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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% *Date of Judgment: 30th July, 2018*

+ W.P.(C) 9873/2017

SHRI WARYAM DASS KHURANA & ANR. Petitioners

Through: Mr.Bhagwat Pershad Gupta and
Ms.Priyanka Aggarwal, Advts.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr.R.K.Sharma, Adv. for LAC/L&B.
Mr.Ajay Verma, Sr.Standing counsel
for DDA with Mr.Shlok Chandra,
Adv.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G.S.SISTANI, J. (ORAL)

1. This petition has been filed by the petitioners under Article 226 of the Constitution of India seeking a declaration that the acquisition proceedings initiated in respect of the land of petitioners comprised in Khasra no.585, measuring 400 sq. yds. situated in the revenue estate of village Karkardooma, Delhi (hereinafter referred to as 'the subject land') are deemed to have lapsed in view of Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as the '2013 Act'), as neither possession of the subject land has been taken nor the compensation has not been tendered to the petitioners.
2. It is submitted that a notification under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the Act') was issued on 13.11.1959, a Section 6 declaration was made on 14.06.1966.

Thereafter, an Award bearing no.54/1969-70 was rendered on 30.03.1970.

3. Counter affidavit has been filed by the LAC in which the title of the petitioner has been challenged. However, it is averred therein that compensation has not been paid. Learned counsel for the LAC relies on para 7 of the counter affidavit, which we reproduce below:

“7. That in the present case, the possession as well as compensation of the above mentioned land has not been made as per the records maintained by the answering respondent. It is submitted that as per the revenue records Sh.Gordan, Sh.Saligram, Sh.Nathu Ram, Sh.Om Prakash, Sh.Nandu and Sh.Zile are the recorded owners of Khasra No.585 (2-11). It is further submitted that the Sale Deeds dated 11.01.1999 nowhere reflects the name of recorded owners as mentioned in the revenue record. That in view of the abovementioned facts and circumstances the petitioner has no locus to file the present petition before this Hon’ble Court.

4. Counsel for the petitioners submits that the case of the petitioners would be covered by the decision rendered by the Apex Court in ***Govt. of NCT of Delhi v. Manav Dharma Trust and another***, reported in 2017 (6) SCC 751 wherein definition of ‘interested person’ has been given, more particularly, para 28 of this judgment reads as under:-

“28. Thus, the subsequent purchaser, the assignee, the successor in interest, the power-of-attorney holder, etc., are all persons who are interested in compensation/landowners/ affected persons in terms of the 2013 Act and such persons are entitled to file a case for a declaration that the land acquisition proceedings have lapsed by virtue of operation of Section 24(2) of the 2013 Act. It is a declaration qua the land wherein

indisputably they have an interest and they are affected by such acquisition. For such a declaration, it cannot be said that the respondent-writ petitioners do not have any locus standi.”

5. We have heard the learned counsels for the parties and considered their rival submissions.
6. Reading of the counter affidavit filed by the LAC leaves no room for doubt that neither the compensation has been paid to the petitioners nor the possession of the subject land has been taken and thus, the necessary ingredients of Section 24(2) of 2013 Act are accordingly met.
7. Having regard to the fact that the compensation has not been tendered to the petitioners and since the Award having been announced more than five years prior to the commencement of the 2013 Act, the case of the petitioners is covered by the provisions of Section 24(2) of the 2013 Act and thus, the petitioners are entitled to a declaration that the acquisition proceedings initiated under the Land Acquisition Act, 1894 with regard to the subject land are deemed to have lapsed. It is ordered accordingly. However, we make it clear that we have not expressed any opinion on the title of the parties. The question of title of the subject land is left open to be decided in the appropriate court of jurisdiction.
8. In above terms, the writ petition stands disposed of.

G.S.SISTANI, J.

SANGITA DHINGRA SEHGAL, J

JULY 30, 2018/rb