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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 11240/2015**

SHRI KRISHAN KUMAR AGARWAL Petitioner
Through: Mr. Dileep Poolakkot, Advocate

versus

THE GOVERNMENT OF NCT OF DELHI & ANR..... Respondents
Through: Mr. Sanjay Kumar Pathak, Mr. Sunil
Kumar Jha & Mr. M.S.Akhtar, Advocates for
Respondent/LAC/L & B

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

% **05.12.2018**

1. It is categorically stated in para 9 of the counter affidavit in the present case that the compensation to the recorded owners was deposited by the LAC under Sections 30 & 31 of the Land Acquisition Act, 1894 in the Court of the Additional District Judge. The relevant documents have also been enclosed as Annexure R-1 & R-2.

2. In reply to the aforementioned averment, in para 15 of the rejoinder filed by the Petitioner, it is stated as under:

“15. With reference to the contents of 9 it is not denied that the possession in respect of the land acquired has been taken. Rest of the contents of the said paragraph are denied for want of knowledge. I state that in any event, the acquisition proceedings of the subject land ought to be held to have lapsed on account of the admitted fact that the compensation as enhanced by this Hon’ble Court vide Order

06.09.2001 in RFA No. 68 of 1973 has not been paid by the Respondents and the alleged deposit of the amount awarded prior to enhancement thereof is of no consequence.”

3. In other words, there is no denial by the Petitioners that the aforementioned sum was deposited by the Respondents in the Court of the learned ADJ.

4. Therefore, the question of a declaration being issued under Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (‘the 2013 Act’) does not arise. It will be open to the Petitioner to pursue the proceedings which are stated to be pending in execution and also before the Court of the learned ADJ.

5. No further orders are called for in this petition. It is disposed of.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

DECEMBER 05, 2018

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