

\$~32 & 33

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

+ **W.P.(C) 399/2018**

RAJ KUMAR KAPOOR THROUGH: HIS CURRENT GENERAL
POWER OF ATTORNEY MASOOMA PERWEEN Petitioner

Through: Ms.Palak Mishra with Mr.Prabjot
Hora, Advocates.

versus

GOVT. OF NCT OF DELHI AND ORS. Respondents

Through: Mr.Rajneesh Sharma, Advocate for
LAC/L&B.
Mr.Rajiv Bansal, Sr.Standing Counsel
with Ms.Abha Malhotra, Advocates
for R3.

+ **W.P.(C) 415/2018**

NARENDRA SINGH KHANDARI THROUGH: HIS CURRENT
GENERAL POWER OF ATTORNEY AMAR SINGH SACHAN

..... Petitioner
Through: Ms.Palak Mishra with Mr.Prabjot
Hora, Advocates.

versus

GOVT. OF NCT OF DELHI AND ORS. Respondents

Through: Mr.Rajneesh Sharma, Advocate for
LAC/L&B.
Mr.Rajiv Bansal, Sr.Standing Counsel
with Ms.Abha Malhotra, Advocates
for R3.

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE SANJEEV NARULA

%

ORDER
18.01.2019

1. Both these petitions arise out of a common set of facts and are being disposed of by this common order.

2. In both petitions the prayer is for a declaration of deemed lapsing of land acquisition proceedings under Section 24 (3) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 ('the 2013 Act'). In both cases the lands in question were located in the Revenue State of Malikpur Kohi Rangpuri, Tehsil Vasant Vihar, New Delhi, which admittedly has an unauthorized colony which is awaiting regularisation.

3. In similar circumstances, this Court has in its order dated 10th January 2019 in W P (C) 3623 of 2018 (*Akhil Sibal v. Govt. of NCT of Delhi*) declined a similar relief sought by the said Petitioners. Paras 16 to 18 of the said order read as under:

“16. It appears that the Petitioners are pursuing parallel proceedings and seeking different reliefs in respect of the same lands in question – one is to seek regularization by contending that the building on the land in question is part of an unauthorized colony, the other is to invoke Section 24 (2) of the 2013 Act, to seek lapsing of the land acquisition proceedings. In the considered view of the Court, the attempt at invoking Section 24 (2) of the 2013 Act is, in the circumstances, misconceived. Clearly, therefore, the present petitions are an abuse of the process of the Court where the facts speak for themselves.

17. Further, the manner in which the facts have been narrated, a relief under Section 24 (2) of the 2013 Act, is not even capable of being granted in either of the petitions. In similar circumstances, this Court had in its order dated 19th December, 2018 in W.P.(C) No.190/2016 ***R. Bhagwan Batra v. Government of NCT of Delhi***, rejected the prayers of the Petitioners where they were seeking a similar relief in respect of the land an unauthorized colony i.e. Guru Ram Das Nagar. The Court there has pointed out that the Petitioner should be pursuing their case for regularization.

18. The Court at this stage may also observe that many of the unauthorized colonies are awaiting regularization orders. A large portion of these colonies are by way of encroachment on public land. Some of it may be on private land, but in any event, the constructions themselves are unauthorized. The major premise on which such a regularization is sought is that these constructions have been erected on public or private land which does not belong to the persons who are under occupation of those structures. That very basis gets contradicted as some of them tried to seek a declaration about lapsing of the land acquisition proceedings by invoking Section 24 (2) of the 2013 Act. This is a contradiction in terms and is legally untenable.”

4. Accordingly, these petitions are dismissed. The interim order passed by this Court on 17th January 2018 which stood confirmed on 11th April 2018 is hereby vacated.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 18, 2019

tr