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

+ **W.P.(C) 182/2016**

BHARAT SEHRAWAT Petitioner
Through Mr. Aakash Sehrawat, Advocate

versus

GOVT. OF NCT OF DELHI AND ORS Respondents
Through Ms. Astha Tyagi, Advocate for
Respondent/LAC/ L & B
Mr.Paritosh Anil, Advocate for Respondent/DDA

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

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10.01.2019

1. The prayer in the present petition reads as under:

“i. Issue an appropriate writ, order or directions declaring the entire acquisition proceedings in respect of the land of petitioner total ad-measuring 4 bighas and 16 biswas comprised in khasra nos. 958 situated H in the Revenue Estate Of Village Mahipal Pur, New Delhi, to have lapsed in view of Section 24 (2) of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013.

ii. Pass any further order/s that this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.”

2. From the narration of the petition, it is seen that the notification under Section 4 of the Land Acquisition Act, 1894 ('LAA') was issued on 23rd January, 1965. Following the declaration under Section 6 of the LAA and Award No. 33/1986-87 was passed on 17th September, 1986 nearly three

decades prior to the filing of the writ petition. It is stated that physical possession of the land was taken by the Respondents and compensation was paid to Smt. Chandra and Shri Fateh Singh. It is however contended that the land has been lying vacant and has not been used by the beneficiary department i.e. Delhi Development Authority ('DDA'). It is claimed that the mother of the Petitioner Smt. Kela has been shown to be in actual cultivatory possession of the land in question for more than three years in the revenue record and that the LAC awarded compensation in favour of the wrong persons.

3. It is claimed that in the reference under Section 18 of the LAA before the learned Additional District Judge ('ADJ') (South West) being LAC No. 171/09/1988, Smt. Kela had made an averment to that extent. It is stated that by an order dated 27th January, 2011 the Reference Court enhanced the compensation to Rs.14,300/- per *bigha* and granted relief in favour of Smt. Kela. A further appeal was filed by the Union of India in this Court being LAA No. 203/2012 which was allowed by this Court by its judgment dated 12th October, 2012 reducing the compensation to Rs.3000/-per *bigha*. It is stated that this Court stayed silent on the aspect of Smt. Kela being declared as the rightful owner entitled to receive compensation. It is stated that Special Leave Petition being S.L.P. No. 6653/2013 has been filed by Smt. Kela in the Supreme Court which is pending there. She expired on 30th April, 2014 leaving a will in favour of the present Petitioner.

4. It is in these circumstances that the relief of lapsing of the proceedings has been sought.

5. From the narration of the facts itself, it is apparent that compensation amount has already been declared in favour of the predecessor in interest of the Petitioner and it is the modification of that relief that has been pursued from time to time. This is not a case where compensation has not been paid.

6. As regards the possession, along with the counter affidavit of the DDA, a copy of the possession proceedings has been enclosed. Likewise the LAC has also filed a counter clearly stating that possession of the land in question was taken on 22nd September, 1986 itself and that compensation was paid on 16th January, 1987 for Rs.120896.05.

7. The Court sees no reason therefore to decide the disputed question whether possession has in fact still remained with the Petitioner or whether the land was encroached upon after possession was taken by the Respondents in terms of the possession proceedings.

8. It is not possible for this Court to grant any relief to the Petitioner.

9. The petition is dismissed.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 10, 2019

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