

\$~40

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 2701/2016**

SHRI DHARAMPAL Petitioner
Through Mr. Akshit Gadhok, Advocate.

versus

GOVT. OF NCT OF DELHI & ORS Respondents
Through Mr. Sanjay Kumar Pathak, Mrs.
K.K.Kiran Pathak, Mr. Sunil Kumar
Jha & Mr.M.S.Akhtar, Advocates for
Respondents No.1 & 2

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE I.S.MEHTA

% **ORDER**
16.04.2019

1. The prayers in the present petition read as under:-

(i) Issue a writ, order or direction in the nature of writ of mandamus, declaring the Land Acquisition proceedings initiated in respect of the land of the petitioners forming part of the notification dated 27-6-1996 (ANNEXURE-P-4) situated in the revenue estate of Village Malikpur Kohi Rangpuri, Tehsil: Vasant Vihar, New Delhi as deemed to have lapsed on 1-1-2014 in view of the provisions of section 1 (3) of the "The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013: and

(ii) Further pass any order as deemed appropriate in the facts and circumstances of the case.”

2. The Petitioner has filed this petition through a General Power of Attorney (‘GPA’). In para 4 it is stated that the Petitioner executed a GPA in favour of

one Shri Lalit Kumar on 19th May, 2006. Thereafter, Lalit Kumar executed GPA in favour of Shri Arun Tiwari with respect to 192/864th of the Petitioner's property in October, 2008. Shri Arun Tiwari in turn executed a GPA in favour of one Shri Ashok Anand with respect to 96/864th of the Petitioner's property. It is stated that one M/s Disha Impex executed a GPA dated 22nd February, 2008 in favour of Shri Arun Tiwari. On 27th March, 2008 the said Arun Tiwari executed a GPA in favour of Smt. Anjali Gopalan with respect to 20/864th of the property of the Petitioner. Therefore, it is seen that the right, title or interest has been claimed through set of documents which have no legal validity and are in teeth of Section 4 of the Delhi Land (Restriction on Transfer) Act, 1972. This itself raises serious doubts about the locus standi of the Petitioner to claim reliefs as prayed for.

3. While issuing notice in the present petition on 11th July, 2016 the Court directed status-quo to be maintained as regards, nature, title and possession of the land. This was made absolute subsequently by the Court on 24th October, 2017.

4. In the reply filed by the LAC on 17th August, 2017 it is pointed out that the Petitioners lack the locus standi to claim the reliefs in view of the documents through which such claim is made. Reference is made to the earlier litigation in which interim order was passed and which delayed completion of land acquisition proceedings. In para 14 it is stated that as under:

“That as regards possession, it is humbly submitted that except khasra Nos. 1272 (4-16) and 1273 (4-16) of which possession was

taken vide possession proceedings dated 31.12.2013, the possession of the remaining land in question could not be taken due to stay from this Hon'ble High Court. So far as compensation is concerned the compensation amount has not been received from requisitioning authority. Thus, the compensation amount could not be paid to the interested persons.”

5. Reference is also made by the LAC to the decisions in *Abhey Ram v. Union of India* (1997) 5 SCC 421 and *Om Prakash v. Union of India* (2010) 4 SCC 17, in support of the submission that interim orders passed in even a few of the petitions challenging the land acquisition proceedings would apply across the board.

6. No rejoinder has been filed to the counter affidavit of Respondents 1 and 2. With the *locus standi* of the Petitioners to claim the reliefs as prayed for being in serious doubt and with no rejoinder being filed to the affidavit of the LAC, the Court is not satisfied that the Petitioners have made any case for grant of reliefs as prayed for.

7. The petition is accordingly dismissed. The interim order dated 11th July, 2016 which was made absolute on 24th October, 2017 hereby stands vacated.

S.MURALIDHAR, J.

I.S.MEHTA, J.

APRIL 16, 2019

mw

W.P.(C) 2701/2016