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

+ **W.P.(C) 1477/2017**

SHEELA DEVI

..... Petitioner

Through: Mr. Harish Kumar Gupta, Advocate.

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr. Anil Dabas and Mr. Praveen Kumar, Advocates for respondent No.1/ UOI.

Mr. Yeeshu Jain and Ms. Jyoti Tyagi, Advocates.

Mr. Arun Birbal, Advocate for DDA.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

12.12.2019

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C.M. No. 40674/2019

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

C.M. No. 40673/2019

Issue notice. Learned counsels for the respondents accept notice.

We have heard learned counsels. For the reasons stated in the application, the same is allowed. The petition is restored to its original number.

W.P.(C) 1477/2017

The petitioner has preferred the present writ petition to seek the following reliefs:

“(a) Issue an appropriate writ in the nature of mandamus or any other appropriate writ, direction or order commanding/ directing the respondents to release the plots bearing no. 1135B & 1136B measuring 341.6 sq. yards, respectively out of Khasra no. 54/17, situated at Tirthankar Nagar, Jain Colony, Village Karala, Tehsil Kanjhawala, Delhi- 110081, of the petitioner as the acquisition has lapsed as per provisions of Section 24(2) of 2013 Act;

(b) Pass such other and further orders that may be deemed fit and proper in the interest of justice.”

The counter-affidavit of the respondents is on record. It is pointed out by the respondents that the land in question falls in an unauthorized colony; that the same was acquired for the purpose of Rohini Residential Scheme and; that the present petition is barred by delay & laches considering the fact that the acquisition proceedings were initiated way back on 21.03.2003 – when the notification under Section 4 of the Land Acquisition Act was issued, which eventually culminated in the award dated 28.12.2005 vide Award No.22/2005-06. The possession of the land was taken on 22.03.2007 by the Land Demolition Squad.

Learned counsel for the respondents points out that the present petition is squarely covered by several decisions of this Court, including the decisions in ***Raj Singh and Ors. Vs. Union of India and Ors.***, W.P.(C.) No.6258/2015 decided on 31.01.2019; ***Santosh Jain Vs. Union of India & Ors.***, W.P.(C.) No. 10200/2018 decided on 27.02.2019; and ***Sanjay Jain Vs. Union of India & Ors.***, W.P.(C.) No. 10199/2018 decided on 27.02.2019.

All these decisions pertain to the same award passed by the LAC.

On the other hand, learned counsel for the petitioner placed reliance on the earlier decision of this Court in *Praveen Kumar Jain Vs. Govt of NCT of Delhi & Ors.*, W.P.(C.) No. 3132/2015 decided on 02.05.2016, wherein this Court relied upon Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, to grant relief to the petitioner therein.

Having heard learned counsels and perused the record as well as the decisions relied upon by the respective parties, we are inclined to follow the subsequent decisions of this Court, including in the case of *Raj Singh* (supra), *Santosh Jain* (supra) and *Sanjay Jain* (supra) since these decisions have noticed the subsequent decisions of the Supreme Court as well.

In the light of the aforesaid, the present petition is dismissed.

VIPIN SANGHI, J

REKHA PALLI, J

DECEMBER 12, 2019

B.S.Rohella