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

+ **W.P.(C) 1882/2015 & CM APPL. 16611/2017**

SATISH KUMAR GOYAL & ORS.

.... Petitioners

Through: Mr.Akhil Sachar, Advocate with
Ms.Sunanda Tulsyan, Advocate

versus

THE GOVERNMENT OF NCT OF DELHI & ORS. Respondents

Through: Mr.Yeeshu Jain, Ms.Jyoti Tyagi and
Mr.Siddharth Panda, Advocates for
LAC/L&B.

Mr.Ajay Verma, Mr.Gurmehar
Sistani and Mr.Sumit Mishra,
Advocates for DDA.

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

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ORDER
25.03.2019

1. The prayers in the petition read as under:

“a) Issue an appropriate writ, order or direction thereby declaring the entire acquisition proceedings qua the land of the petitioners (mentioned in paras 3 and 4 of this writ petition admeasuring 13 Bighas and 13 Biswas situate in revenue-estate of Village-Barwala, Delhi in NCT of Delhi) as deemed to have lapsed in view of provision of section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013;

b) Issue a writ, order or direction in the nature of certiorari

thereby calling the records from the respondents pertaining to the present case of the petitioners and declare the acquisition proceedings as ultra-vires the Land Acquisition Act and Article 300-A read with Article 14 of the Constitution of India and further quash the land acquisition proceedings including Notification F-11 (19)/2001/ L.&B./L.A./20112 dt. 21.03.2003 issued under Section 4 and declaration /notification No. F-11 (15)/2004/L.&B./L.A./28227 issued under Section 6 dated 19.03.2004 of the Land Acquisition Act and Award bearing No.12/2005-06 dt. 15.07.2005 pronounced on 05.08.2005 (Barwala) in respect of land (mentioned in paras 3 and 4 of this writ petition) of the petitioners situated in Revenue Estate of Village-Barwala, North-West, Delhi now known as NCT of Delhi which suffer from malafide and are issued/made without application of mind and is abuse of authority and power, as being illegal, malafide, unconstitutional, vague, null and void; and

c) Issue a Writ, order or direction in the nature of prohibition thereby restraining the respondents, their officers, agents or their representatives or anybody claiming through them from dispossessing the petitioners from his settled possession over the land in dispute as found mentioned in paras 3 and 4 of this writ petition and changing the nature, title and character of plot in dispute falling in revenue estates of Village-Barwala, Delhi, now known as NCT of Delhi; and

d) Award the costs of writ petition in favour of the petitioners;

And

Pass any other or further writ, order or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case."

2. It appears that the Petitioners had filed writ petitions in this Court in which status quo orders were passed on 7th and 9th September 2005. These

writ petitions were ultimately dismissed on 9th July 2007. Against the dismissal of the writ petitions, the Petitioners filed Special Leave Petitions in the Supreme Court, during the pendency of which, the 2013 Act came into effect.

3. On 11th February 2015, the SLPs were listed with other connected SLPs before the Supreme Court. While dismissing all these SLPs the Supreme Court passed the following order:

“However, we grant liberty to the petitioners, if they may so desire, to make appropriate application (s) as provided under Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, or under Section 48 of the Land Acquisition Act, 1894, before appropriate forum / High Court within one month from today, as applicable in the facts of respective cases before us, if not already filed.”

4. It is stated that within ten days of the said order, the present writ petitions were filed seeking the aforementioned reliefs.

5. While the above explanation may be valid as far as delay and laches is concerned, the fact remains that the reliefs have been sought under Section 24 (2) of the 2013 Act where it is an admitted position that the actual possession of the land in question is not with the Petitioners. The question is whether they are entitled to the relief under Section 24 (2) of the 2013 Act on the ground that compensation was not tendered to them by the LAC?

6. In the counter affidavit filed on behalf of the LAC it is stated that

although possession was taken over on 17th July 2007, compensation was not paid to the recorded owners. This is because there was an interim order initially by this Court and later even by the Supreme Court directing notice to issue SLPs on 2nd November 2007. That stay order continued till the dismissal of the SLPs on 11th February 2015. The explanation offered by the LAC for not being able to pay compensation in view of the interim orders is a plausible one. The Court is not in the circumstances persuaded to hold that there was failure by the LAC to tender compensation to the recorded owners.

7. The reliefs prayed for under Section 24 (2) of the 2013 Act cannot, therefore, be granted. The writ petition is dismissed. It is, however, clarified that the dismissal of the present petition would not come in the way of the Petitioners seeking to claim compensation in terms of the aforementioned land acquisition Award in terms of the Land Acquisition Act, 1894 in accordance with law.

8. The interim order, if any, stands vacated. The pending application stands disposed of.

S. MURALIDHAR, J.

I.S. MEHTA, J.

MARCH 25, 2019

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