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

+ W.P.(C) 5001/2014

SURESH MEHTO & ORS

..... Petitioner

Through: Mr. Jitender Kumar Dhingra, Adv.
Mr. Ranjan Kumar, Advocate with
petitioner in person.

versus

GOVT. OF NCT OF DELHI AND ORS

..... Respondent

Through: Mr. Rishabh Tomar and
Mr. Harshwardhan Sharma, Advocates
for respondent Nos. 1 and 2.
Ms. Sakshi Popli, Advocate for DJB.
Mr. Siddharth Panda, Adv. for LAC.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

12.09.2019

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The petitioners have preferred the present writ petition to assail the notification issued under Section 4 of the Land Acquisition Act vide Notification No. F.10(39)/ 2007/L&B/LA/8430 dated 22.08.2012 and the declaration under Section 6 of the said Act vide Notification No. . F.10(39)/ 2007/L&B/LA/1805 dated 06.05.2013 for acquisition of land admeasuring 3 Bigha 6 Biswa situated in Village Safipur Ranholla falling in Khasra No. 17//24/1.

The case of the petitioner is that he acquired rights in the said property prior to issuance of the Notification under Section 4 aforesaid from the owner, namely Sh. Kunal Kishore Singh, S/o Sh. Parmanand Singh, R/o B-395, Vikas Vihar, Main S-Block Road, Vikas Nagar, New Delhi vide General Power of Attorney; Agreement to Sell; Affidavit; Receipt; Possession Letter and Will, all dated 08.09.2008.

Similar agreements and other related documents are claimed to have been executed by the original owner in favour of the other petitioners. Pertinently, none of these documents are registered and there is nothing to show and establish with any amount of certainty that these alleged transactions took place prior to the notification of the aforesaid land under Section 4 of the Land Acquisition Act.

We may also observe that respondents have seriously disputed the said transactions claimed to have been executed by the petitioners with the original owners. In fact, the stand of the respondents is that the said land belongs to the Gram Sabha in the revenue records.

Only petitioner No. 6, Rajesh Kumar has placed on record one electricity bill issued by the BSES, Rajdhani Power Limited to claim that he was in possession of a part of the aforesaid land. Even this bill shows that the same relates to land following in Kh. No. 17/17 and not Kh. No. 17//21/1 which was under acquisition.

Pertinently, the petitioners did not prefer any objections under Section 5A and they did not even stake a claim to the compensation by seeking a reference under Section 30 and 31 of the Act. The petitioners have assailed the acquisition after passing of the award dated 27.12.2013 and after possession was taken by the LAC on 30.12.2013.

Aforesaid being the position, we are of the view that there is no merit in this petition. The petitioners, admittedly, were not the recorded owners of the land in question. The documents on which they rest their title are of doubtful nature and the respondents have disputed their authenticity and genuineness. Such highly disputed questions of fact cannot be gone into the present writ proceedings. The petitioners have not placed on record any documents even to establish their possession of the land in question.

We, therefore, do not find any merit in this petition.

Dismissed.

VIPIN SANGHI, J

SANJEEV NARULA, J

SEPTEMBER 12, 2019

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