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

+ **W.P.(C) 2479/2016**

CHANDERMAL AND ORS. Petitioners

Through Mr. Hara Prasad Sahu, Advocate

versus

UNION OF INDIA AND ORS. Respondents

Through Mr. Chiranjeev Kumar & Mr. Mukesh Sachdeva, Advocates for Respondent No.1/UOI

Mr. Rahul Bakshi, Advocate for Respondent/DDA

Mr. Yeeshu Jain with Ms. Jyoti Tyagi, Advocates for Respondent/LAC/L & B

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

% **11.01.2019**

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

“A. Issue an appropriate writ, order or directions (s) in the nature of mandamus and declare entire acquisition proceeding initiated under section 4(1) dated 16.04.1964 vide notification no. f4(9)/64- 1&h and under section 6 of the land acquisition act 1894 dated 22.12.1966 as lapsed by virtue of sub section 2 of section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act. 2013 in respect of land bearing khasra no. 147 measuring 10 biswa of the revenue village Aali, New Delhi,

B. direct the respondents to determine and pay the compensation to the petitioners as per the provisions of the the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 or restore the possession an area 10 biswa of Khasra No. 147 in favour of the petitioner.

C. Pass any other order or further orders as this Hon'ble Court deem fit and proper under the facts and circumstances of the case.

2. According to the narration in the petition, the notification under Section 4 of the Land Acquisition Act, 1894 (LAA) was issued way back on 16th April 1964 followed by declaration under Section 6 LAA on 22nd December 1966. The impugned Award No.3/97-98 was passed on 5th December 1997.

3. Counsel for the Petitioner states that he is not pressing for a declaration of lapsing of the proceedings under Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 ('the 2013 Act'). He presses only for prayer B, as according to him out of the total area of land acquired i.e. 8 *bighas* in Khasra No. 147 in Village Aali, compensation has been paid in respect of 7 *bighas* and 10 *biswas* and compensation in respect of an area of 10 *biswas* is still due to him. This according to the Petitioner is apparent from the payment certificate dated 24th March, 2006.

4. The Petitioner is silent on what the Petitioner was doing since 24th March, 2006 to pursue the compensation in respect of 10 *biswas*.

5. Apart from the failure to explain the laches in approaching the Court for relief, it appears from the second proviso to Section 24 (2) of the 2013 Act that the Petitioner would not be entitled to seek compensation under the 2013 Act for the area of 10 *biswas* even assuming that he had not received compensation for that extent of land. This is because, as per his own account, he has received compensation for more than 80% of the land under the LAA.

6. The Court is therefore not inclined to grant the reliefs prayed for in the

present petition. The petition is dismissed.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 11, 2019/mw