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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 5092/2018 & CM. APPL 19703/2018

VINAY KUMAR GAUR

... Petitioner

Through: Mr. Varun Tyagi, Advocate.

versus

GOVT. OF NCT OF DELHI & ORS.

... Respondents

Through: Mr. Yeeshu Jain, Standing
Counsel for LAC/L&B along with
Ms. Jyoti Tyagi, Advocate.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

21.08.2019

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

“i. Issue an appropriate writ, order or directions declaring the entire acquisition proceedings in respect of the land of Petitioner being Property No. A-55 measuring 100 sq. yds. comprised in khsara no. 28/2 situated in the area of Village-Mangolpur Kalan, Sanjay Nagar, Delhi including the notification bearing no. F. 15(245)/60/L&H dated 24.10.1961 issued under Section 4 of the Land Acquisition Act, 1894 and all subsequent proceedings to have lapsed in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013”

2. The background facts are that the land in question is Property No. A-55, admeasuring 100 sq.yards in Khasra No. 28/2, situated in Village

Mangolpur Kalan, Sanjay Nagar, Delhi (hereafter, 'subject land'). On 24th October, 1961, 16,000 acres of land in Village Mangolpur Kalan, including the subject land, was notified under Section 4 of the Land Acquisition Act, 1894 ('LAA') for the public purpose of "planned development of Delhi". This was followed by a declaration under Section 6 of the LAA dated 20th July, 1966. The Land Acquisition Collector ('LAC') passed an award being Award No. 18/80-81 on 23rd April, 1980.

3. The Petitioner states that one Mr. Hoshiar Singh became the owner of the subject land, when it was allotted to him pursuant to the 20 Point-Programme announced by the Prime Minister. A copy of the allotment certificate for house construction issued by the *Gaon Sabha* has been annexed with the petition. It is stated that Mr. Hoshiar Singh sold the subject land to one Mrs. Nirmala Devi, who in turn sold it to Mr. Baldev Singh. A copy of the title documents executed by Mrs. Nirmala Devi in favour of the Mr. Baldev Singh has been annexed with the petition.

4. It is claimed that the Petitioner purchased the subject land from Mr. Baldev Singh by an Agreement to Sell ('ATS') dated 1st May, 1998, but that a General Power of Attorney ('GPA') dated 1st May, 1998 was executed in favour of one Mr. Gaur by Mr. Baldev Singh. It is submitted that the Petitioner came to acquire complete rights, title and ownership over the subject land by way of a GPA dated 17th March, 2009, executed by the father and brother of the Petitioner in his favour. A copy of the entire chain of documents has been annexed with the petition.

5. In para 15 of the petition it is stated that the Petitioner continues to be in actual physical possession of the subject land. It is also stated that compensation has not been paid to the Petitioner till date. Thereafter, the petition straightaway refers to the enactment of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 ('2013 Act') and the Petitioner's entitlement to a declaration of deemed lapsing under Section 24 (2) of the said Act. In this context, reference has been made to decision of the Supreme Court in ***Pune Municipal Corporation v. Harakchand Misrimal Solanki (2014) 3 SCC 183*** to contend that the Petitioner's case is squarely covered by the said judgment.

6. It is seen from the original allotment certificate annexed with the petition that the allottee got the land on a lease basis for a limited tenure and could not have transferred ownership, title or any right whatsoever to any subsequent purchaser. The very basis of the present petition has no sanctity in the eyes of law as the Petitioner cannot claim any right, title or interest over the subject land claimed to be in his possession. Thus, the question of granting any relief under Section 24 (2) of the 2013 Act simply does not arise.

7. It must be noted that in the context of the impugned Award and identical circumstances, this Court in ***Navin Goel v. Delhi Development Authority*** [decision dated 11th January 2019 in W.P.(C) 11159/2017] has rejected the prayer for relief under Section 24 (2) on the aforesaid basis.

8. Accordingly, the writ petition is dismissed. The interim order dated 11th May, 2018 as confirmed on 7th August, 2018 stands hereby vacated. The application is dismissed.

S. MURALIDHAR, J.

TALWANT SINGH, J.

AUGUST 21, 2019
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