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

+ **W.P.(C) 4794/2016**

GHANSHYAM DASS

..... Petitioner

Through: Ms.Pooja Wason with Mr.V.P.Rana,
Advocates.

versus

GOVT. OF NCT OF DELHI & ORS

..... Respondents

Through: Ms.Ruchika Rathi with Ms.Sanya
Dua & Ms.Subhalaxmi Sen,
Advocates for LAC/L&B.
Ms.Manisha Agarwal & Ms.Vineeta
Bansal, Advocates for DDA.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

21.01.2019

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1. The prayers in the petition read as under:

“A. Issue a Writ/Order/Direction in the nature of certiorari, calling for the records of the acquisition proceedings in respect of the land comprising in Khasra Nos. Khasra No.29/6, measuring 1 Bigha 4 Biswa, village Pansali, Delhi, belonging to the Petitioner;

B. Issue appropriate Writ, Order or direction, declaring the acquisition proceedings in respect of the land, comprising in Khasra No.29/6, measuring 1 Bigha 4 Biswa, village Pansali, Delhi, having lapsed and have become inoperative after the coming into force of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013;

C. Award the cost of the present proceedings in favour of the Petitioners;

D. pass any such other or further Order and/or relief/direction(s), which this Hon'ble Court may deem fit and proper in view of the facts and circumstances of the present case and in the interest of justice.”

2. From the narration of the petition it is seen that there were three land acquisition Awards passed in the proceedings: Award No.4/2002-03 dated 8th July 2002, Award No.4A/2002-03 dated 15th March 2003 and Award No.4B/2004-05 dated 24th May 2004. In the entire petition there is no explanation for the inordinate delay in approaching the Court for the relief of the lapsing of land acquisition proceedings except stating that the right accrued to the Petitioner after the enactment of the 2013 Act.

3. In the counter-affidavit filed by the DDA it is pointed out that as per the statement of LAC the Petitioner is claiming in respect of 0-6 biswas of land and the rest 0-18 biswas of land stands in the name of some other person. It is further stated that physical and legal possession of the Khasra No.29/6 measuring 1 bigha and 4 biswas in terms of the first Award was handed over to the DDA by the LAC on 12th May 2000. Likewise possession of the lands under the other two Awards was also stated to have been taken and handed over to the DDA and legally transferred for the Rohini Residential Scheme. Till date there is no rejoinder filed to contradict the above assertions of the DDA.

4. After the orders passed by the Supreme Court in SLP (C) No. 16385-88 of W.P.(C) 4794/2016

2012 titled *Rahul Gupta v. DDA*, the question of the Petitioners asserting that they continue to remain in possession does not arise. In terms of the orders passed by the Supreme Court, the DDA is deemed to be in possession of the lands acquired for the Rohini Residential Scheme. Even as regards the payment of compensation the affidavit of the DDA has not been contradicted by the Petitioner. At the highest, it gives rise to a disputed question of fact.

5. Consequently, the present petition is dismissed both on the ground of laches as well as on merits.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 21, 2019

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