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

+ **W.P.(C) 7223/2016**

RAM KAUR & ORS

..... Petitioners

Through: Mr. Rajesh Gupta, Mr. Harpreet Singh, Mr. MC Verma, Mr. Pranjal Sarawan, Advocates.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Yeeshu Jain and Ms. Jyoti Tyagi, Advocates for LAC/L&B.
Mr. Roshan Lal Goel & Mr. Kavinder Gill for UOI.
Ms. Mrinalini Sen, Standing Counsel for DDA.

W.P.(C) 7230/2016

SHYAM SUNDER & ORS

..... Petitioners

Through: Mr. Rajesh Gupta, Mr. Harpreet Singh, Mr. MC Verma, Mr. Pranjal Sarawan, Advocates.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Yeeshu Jain and Ms. Jyoti Tyagi, Advocates for LAC/L&B.
Mr. Roshan Lal Goel and Mr. Kavinder Gill for UOI.
Ms. Shobhna Takiar for DDA

W.P.(C) 7231/2016

MANGE RAM & ORS

..... Petitioners

Through: Mr. Rajesh Gupta, Mr. Harpreet Singh, Mr. MC Verma, Mr. Pranjal Sarawan, Advocates.

versus

UNION OF INDIA & ORS

..... Respondents

Signature Not Verified

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By:AMUTYA W.P. 7223/2016 & Other connected matters

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Through: Mr. Yeeshu Jain and Ms. Jyoti Tyagi,
Advocates for LAC/L&B.
Mr. Roshan Lal Goel and Mr. Kavinder
Gill for UOI.
Mr. Dhanesh Relan, Standing
Counsel with Mr. Rajeev Jha for
DDA.

W.P.(C) 7234/2016

MANOJ KUMAR & ORS

..... Petitioners

Through: Mr. Rajesh Gupta, Mr. Harpreet Singh,
Mr. MC Verma, Mr. Pranjal Sarawan,
Advocates.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Ms. Ruchika Rathi with Ms. Sanya Dua
Advocates for LAC/L&B.
Mr. Roshan Lal Goel and Mr. Kavinder
Gill for UOI.

W.P.(C) 7242/2016

SANDEEP DABAS

..... Petitioners

Through: Mr. Rajesh Gupta, Mr. Harpreet Singh,
Mr. MC Verma, Mr. Pranjal Sarawan,
Advocates.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Yeeshu Jain and Ms. Jyoti Tyagi,
Advocates for LAC/L&B.
Mr. Roshan Lal Goel and Mr. Kavinder
Gill for UOI.
Mr. Arun Birbal, Mr. Ajay Birbal
for DDA.

W.P.(C) 7244/2016

UMDED SINGH

..... Petitioners

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Through: Mr. Rajesh Gupta, Mr. Harpreet Singh,
Mr. MC Verma, Mr. Pranjal Sarawan,
Advocates.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Yeeshu Jain and Ms. Jyoti Tyagi,
Advocates for LAC/L&B.
Mr. Roshan Lal Goel and Mr. Kavinder
Gill for UOI.
Mr. Tanveer Singh Khehar with
Mr. Vishal Tripathi for DDA.

W.P.(C) 7247/2016

RAMESH CHAND DABAS & ORS

..... Petitioners

Through: Mr. Rajesh Gupta, Mr. Harpreet Singh,
Mr. MC Verma, Mr. Pranjal Sarawan,
Advocates.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Yeeshu Jain and Ms. Jyoti Tyagi,
Advocates for LAC/L&B.
Mr. Roshan Lal Goel and Mr. Kavinder
Gill for UOI.
Mr. Arjun Pant for DDA.

CORAM:

JUSTICE S. MURALIDHAR

JUSTICE I.S. MEHTA

ORDER

12.03.2019

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1. These petitions have been filed, *inter alia*, praying for the same relief and are being disposed of by a common order. Nevertheless, these petitions have been heard separately. For the purpose of convenience, W.P. (C) 7223/2016 titled *Ram Kaur & Ors. v Union of India and Ors.* is taken up as the lead matter and shall be discussed in some detail.

2. The prayers made in W.P. (C) 7223/2016 read as under:

“(I) Issue writ of DECLARATION and/or any other appropriate Writ, Order or Direction in the like nature declaring the impugned acquisition proceedings commenced vide notification under Section 4 of Act 1894 bearing no. F.11(19)/01/L&B/LA/20112 Dated 21.03.2003 leading to Section 6 dt. 19.03.2014 and resulting in Award no. 16/2005-06 for Village Mubarak Pur Dabas Delhi vis-a-vis subject lands (detailed in Para 5) stands lapsed;

Consequently issue writ of CERTIORARI quashing the impugned acquisition proceedings commenced vide notification under Section 4 of Act 1894 bearing no. F- 11(19)/01/L&B/LA/20112 Dated 21.03.2003 leading to Section 6 dt. 19.03.2014 and resulting in Award no. 16/2005-06 for Village Mubarak Pur Dabas Delhi vis-a-vis subject lands (Para 5);

Issue MANDAMUS and/or any other Writ, Order or direction in the like nature commanding the respondents not to interfere with and/or obstruct the petitioners in peaceful enjoyment of the subject lands (detailed in Para 5) situate in village Mubarak Pur Dabas, Delhi.

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.”

3. The admitted facts are that the notification under Section 4 of the Land Acquisition Act, 1894 (LAA) issued on 21st March 2003 which was followed by a declaration under Section 6 of the LAA on 19th March 2004. The impugned Award No. 16/2005-06 was passed on 14th September 2005.

4. The case of the Petitioners in para 2 of the petition is that “barring the petitioners, compensation has not been paid/tendered and/or deposited to majority of the landowners...” In other words, the Petitioners do not dispute that they have received compensation. However, they contend that the possession of the land in question still remains with them and therefore they are entitled to the relief under Section 24 (2) of the Right to Fair Compensation and

Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 ('the 2013 Act').

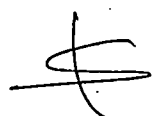
5. In the counter affidavit filed on behalf of the LAC (Respondent No. 5), it is pointed out that the possession of the land in question was taken on the spot on 4th April 2006 and handed over to the DDA "for the purpose of acquisition was for Rohini Residential Scheme".

6. In relation to the lands acquired for the Rohini Residential Scheme, the Supreme Court has in a series of orders in *Rahul Gupta v. DDA* [SLP (C) No. 16385-16388 of 2012] held that even if on the date of the order of the Supreme Court, i.e. 18th October 2016, actual physical possession was not with the DDA, if such physical possession was not handed over within ten days, then the DDA would be deemed to be in possession of the lands in question.

7. In view of the above orders of the Supreme Court as of today, the lands in question are deemed to be in possession of the DDA. Therefore, the only ground on which the Petitioners are seeking the relief under Section 24 (2) of the 2013 Act has ceased to exist.

8. The facts in the connected petitions are similar with the only difference being in the khasra numbers. The stand of the Respondents is also identical.

9. Consequently, there is no merit in these writ petitions and they are dismissed as such.


S. MURALIDHAR, J.


I.S. MEHTA, J.

MARCH 12, 2019

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