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

+ W.P.(CRL) 2409/2018 and Crl. M.A. 29982/2018

JAGMAL SINGH Petitioner

Through: Mr Dinesh Kumar, Advocate.

versus

STATE & ORS Respondents

Through: Mr R.S. Kundu, ASC for State.
SI Ranveer Mavi, PS Anand Vihar.
Ms Jyoti Tyagi, Advocate for R-2.
Mr Naveen Kumar, ASC for DDA
with Ms Meenakshi Jha, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **03.09.2019**

1. The petitioner has filed the present petition, *inter alia*, praying that the FIR bearing No. 253/2018 under Section 448/427 IPC registered with PS Anand Vihar, be quashed.
2. The petitioner claims to be in actual possession of the lands comprising of Khasra No. 527(2-11), 5055/526(3-18), 5057/528, 5058/528(4-01) and 510(8-05), situated in the Revenue Estate of Village Karkardooma, Delhi.
3. The petitioner claims that the lands in question were sought to be acquired, however, the acquisition proceedings had lapsed. The petitioner has also averred in the writ petition that he had filed two other writ petitions before this Court contending that in terms of Section 24(2) of the Right to

Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the acquisition had lapsed as the possession had not been taken over and the compensation had not been paid.

4. The petitioner relies upon the affidavit filed by the Land Acquisition Collector (LAC), whereas it is affirmed that “*since the records are very old and are in dilapidated and torn condition, it could not be ascertained as to whether the possession of the subject land could be taken or the compensation was paid.*” The petitioner has also relied on the averments made by the respondents praying that there should be no stay on dispossession.

5. The respondents dispute that the physical possession of the lands in question had not been taken. It has also been submitted that the writ petition in which the aforesaid affidavit (W.P.(C) 3190/2015) was filed on behalf of the LAC, was also withdrawn.

6. This Court is of the view that the present petition raises disputed questions of fact and it would not be apposite for this Court to examine the same in these proceedings. The question whether the petitioner continued to be in lawful possession of the lands in question, is not required to be decided in these proceedings.

7. It is the respondents’ case that the possession was taken over. The question whether the petitioner is guilty of the offence alleged is required to be considered by the Trial Court.

8. In view of the above, the prayers as sought for cannot be granted.

9. The petition is, accordingly, dismissed.

10. It is clarified that this Court has not expressed any opinion (*prima facie* or otherwise) as to whether the petitioner was in physical possession of the lands in question. Nothing stated in this order should be construed as such.

11. The pending application also stands disposed of.

VIBHU BAKHRU, J

SEPTEMBER 03, 2019
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