

\$~42

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 11467/2016**

LAXMI DEVI

..... Petitioner

Through: Mr. Akhilesh Kumar Singh, Advocate
versus

LAND ACAUISATION COLLECTOR & ORS

..... Respondents

Through: Mr. Siddharth Panda, Advocate for
Respondent/LAC/L & B
Ms. Mrinalini Sen, Standing counsel with
Mr. Tanmay Yadav, Advocates for
Respondent/DDA

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

%

30.01.2019

1. The prayers in the present petition reads as under-

“a) set aside the impugned award i.e. 13/2008-2009 (SW) passed by the Office of the ADM/LAC(SW) Room No. 12, Old Terminal Tax Building, Kapashera, New Delhi-110037.

b) further directions to the Respondents to initiate a fresh Land Acquisition proceedings as per the new enactment.

c) Further directions to grant compensation as per the law by consideration of the market value of the land by setting-aside the prior award which was passed under the old Act.

d) pass any other or further order as this Hon'ble Court may deem fit and proper in the interest of justice.”

2. Counsel for the Petitioner states that he is urging only prayer ‘C’ in the petition, and not the other prayers. The Court finds that even in prayer ‘C’, the Petitioner is seeking the setting aside of the earlier Award No. 13/2008-09 (SW). It is strange that the Petitioner is seeking the grant of

compensation while at the same time seeking the setting aside of the award in terms of which such compensation would be paid. Therefore, the prayer is contradictory.

3. Counsel for the Petitioner refers to an order passed by this Court on 30th December, 2013 in certain applications. He states that the Petitioner's application was in CM (M) No. 1418/2013. Assuming that this is correct, that order only requires the cheques deposited in the Court to be sent to the Court of the concerned Additional District Judge, Delhi to which references under Sections 30 and 31 of the Land Acquisition Act, 1894 had already been made.

4. While declining to grant the relief in prayer 'C' to which the present petition is confined, the Court permits the Petitioner to follow up on the question of payment of compensation by seeking appropriate remedies in accordance with law including by way of an application before the learned ADJ and showing how the Petitioner would be entitled to compensation, if at all.

5. The petition is accordingly dismissed. The interim order dated 9th December 2016, confirmed on 14th November, 2017 is hereby vacated.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 30, 2019

mw