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

+ **W.P.(C) 6207/2015 & CM APPL. 11306/2015**

SATBIR SINGH AND ORS.

..... Petitioners

Through: Mr. Rajat Mathur and Mr. Divyank
Tyagi, Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Ms. Mrinalini Sen, Standing Counsel
DDA with Mr. Tanmay Yadav,
Advocate for DDA.
Mr. Sarat Chandra, Advocate for
UOI.
Mr. Siddharth Panda, Advocate for
LAC/L&B.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

% 11.01.2019

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

“a) Issue a writ of certiorari and/or any other writ, order or direction of the similar nature declaring the entire acquisition alongwith Award No. 14/2005-06 pronounced on 17.8.2005 with respect to the land of the Petitioners bearing Khasra 11//19/2 (1-11), 11/18 (4-14), 11//19/1 (3-1) total measuring to 9 Bigha 6 Biswas situated in the revenue estate of village Pansali, Delhi; having been lapsed”

2. According to the narration in the petition, the notification under Section 4 of the Land Acquisition Act, 1894 (‘LAA’) was issued on 21st March 2003 followed by declaration under Section 6 LAA on 18th March 2004. The

impugned Award No.14/05-06 was passed on 17th August 2005.

3. In response to the petition, the counter affidavit has been filed by the DDA including the copy of the possession proceedings.

4. Although counsel for the Petitioner has sought to contend that the possession of the land admeasuring 1 *bigha* in khasra No. 11/18 was not taken, counsel for the DDA assures the Court from the possession proceedings that it was in fact taken and handed over to the DDA on the spot on 27th October 1999 as per the counter affidavit filed by the DDA including the copy of the possession proceedings.

5. Counsel for the Petitioner then referred to the counter affidavit filed by the LAC which shows that the total land of the Petitioners in Khasra Nos. 11//19/2 (1-11), 11//18 (4-14), 11//19/1 (3-1) admeasuring 9 *bighas* 6 *biswas* in village Pansali was acquired by two awards i.e. Award No. 14/2005-06 dated 17th August 2005 and Award No.04/2002-03 dated 3rd April 2002 for the public purpose of the Rohini Residential Scheme Phase 4 and 5. A third portion being Khasra no. 11/19/1 (0-13) was acquired by Award No. 14 dated 17th August 2005.

6. It is further stated in para 7 of the counter affidavit of the LAC as under:-

“7. That as per the available records, the possession of the land in question was taken over and handed over to the beneficiary department on 29.12.1980. Further, as per the naksha muntazamin and Statement ‘A’ the compensation qua the above khasra numbers were not paid to the recorded owners.”

7. No rejoinder affidavit has been filed by the Petitioner either to the affidavit of the DDA or to the affidavit of LAC. In any event, with the above assertion by both the LAC and DDA on both aspects of the matter i.e. the taking over of the possession and the payment of compensation, neither of the conditions in Section 24 (2) of the 2013 Act cannot be said to have been met. The disputed questions of fact raised by the Petitioner in that regard obviously cannot be examined in the present petition. It is left open to the Petitioner to seek other appropriate remedies in accordance with law.

8. The writ petition and the application are dismissed.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 11, 2019

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