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

+ **W.P.(C) 9930/2018**

SURENDER MOHAN CHOPRA Petitioner
Through Mr. Amit Mehra, Advocate

versus

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF
DELHI AND ORS. Respondents

Through Mr. Sachin Nawani, Advocate for
Respondents no.1 & 2
Mr. Yeeshu Jain, Standing counsel
with Ms. Jyoti Tyagi, Advocates for
Respondent/L & B/LAC
Mr. Arjun Pant, Advocate for
Respondent/DDA
Mr. Mukesh Kumar & Mr. Dhruv
Nayak, Advocate for Respondent
no.4/NHAI

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE I.S.MEHTA

ORDER
04.04.2019

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1. In the present case, in the counter affidavit filed by the LAC, it is stated in para 4 as under:-

“4. That it is submitted that the lands of village Mohammadpur Majri were notified vide Notification under section 4 of the Land Acquisition Act, 1894 dated 21.3.2003 which was followed by the Notification under section 6 of the Act dated 19.3.2004. The Award was also passed vide Award No. 20/2005-06 dated 28.11.2005. It is submitted that the actual vacant physical possession of the subject land falling in khasra number 7//7min (1-14), 13/1min (0-1), 14/1/1(0-16) total

admeasuring 2 bigha 11 biswa could not be taken due to status quo granted on 20.9.2018, further, compensation of subject land could not be paid. However, the possession of land surrounded by the subject land in above said CWP has been taken by Govt. on 20/09/2018 with the help of police force and demolition Squad. The Subject land is required by the National Highway Authority of India (NHAI) for Construction of NH- 344M(UEI-II)/100 Meter Road.”

2. Although the DDA has in para 3(k) of its counter affidavit states that “an amount of compensation of Rs.72,05,77,176/- was paid vide Cheque No.94695 dated 09.6.2006 to L & B Department, Govt. of NCT of Delhi”, the fact remains that as far as the present Petitioner is concerned, no compensation appears to have been paid.

3. It is not disputed that in the present case the land in question stands acquired by means of an Award No.20/2005-06/DC(N-W) dated 28th November, 2005 passed by the LAC.

4. In terms of the proviso to Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (‘2013 Act’), where in respect of an Award made prior to the coming into force of the 2013 Act, no compensation has been deposited in the account of the beneficiary, then the beneficiary is entitled to compensation in accordance with the 2013 Act.

5. Accordingly, a direction is issued to the LAC to calculate the compensation payable to the Petitioner under the 2013 Act and pass appropriate orders within a period of twelve weeks from today and in any

event not later than 31st July, 2019.

6. It will be open to the Petitioner, if aggrieved by the said order, to seek further appropriate remedies in accordance with law.

7. The petition is disposed of in the above terms.

S. MURALIDHAR, J.

I.S. MEHTA, J.

APRIL 04, 2019

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