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

+ **W.P.(C) 6592/2015 & CM Appl.No. 12018/2015**

LAXMAN SINGH YADAV

.... Petitioner

Through: Mr. Akhil Sachar, Advocate.

versus

GOVERNMENT OF NCT OF DELHI & ORS.

.... Respondents

Through: Mr. Yeeshu Jain, and Ms. Jyoti
Tyagi, Advocates for LAC/L&B.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

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22.08.2019

1. The prayers in the present petition read as under:

“a. issue a writ of certiorari and/or a writ, order or direction in the nature of certiorari calling for the records of the case and after examining the legality and validity of the Notification dated 27.10.1999 being Notification No. F.10(29)/96/L&B/LA/11394 issued under Section 4 of the Land Acquisition Act, 1894 issued in respect of the land forming part of Village Prehladpur Banger quash and set aside the same;

b. issue a writ of certiorari and/or a writ, order, or direction in the nature of certiorari calling for the records of the case and after examining the legality and validity of the declaration dated 3.4.2000 being No. F.10(29)/96/L&B/LA/20 under Section 6 of the Land Acquisition Act, 1894 quash and set aside the same.

c. issue a writ of certiorari and/or a writ, order, or direction in the nature of certiorari calling for the records of the case and after examining the legality and validity of the declaration dated 20.3.2013 being F.10(29)/96/L&B/LA/19599 under Section 6 of the Land Acquisition Act, 1894 quash and set aside the same.

d. issue a writ of certiorari and/or a writ, order, or direction in the nature of certiorari calling for the records of the case and after examining the legality and validity of the Award No. 14/2002-03 dated 8.7.2002 quash and set aside the same.

e. issue a writ, order, or direction in the nature of mandamus and/or a writ, order, or direction in the nature of mandamus calling for the records of the case and after examining the legality and validity of the same direct the Respondents not to interfere/dispossess the Petitioners from their land forming part of Khasra Numbers as indicated in the Schedule-A;

f. issue a declaration that the acquisition proceedings with respect to the land of the Petitioner as indicated in Schedule-A deemed to have lapsed.”

2. The background facts are that the land in question i.e. Khasra No. 53//21/1 (‘subject land’) admeasuring 1 *Bigha* situated in the Revenue Estate of Village Prehladpur Banger, New Delhi was notified under Section 4 of the Land Acquisition Act, 1894 (‘LAA’) on 27th October, 1999 for the public purpose of “Rohini Residential Scheme”. The notification contained a direction under Sections 17(1) and (4) of the LAA that the provisions of Section 5A of the LAA would not apply to the proceedings initiated thereby. This was followed by declarations under Section 6 and 7 of the LAA dated 3rd April, 2000, the latter directing the Land Acquisition Collector (‘LAC’) to make orders of

acquisition of the subject land and take possession thereof. Thereafter, an Award No. 14/2002-03 ('the Award') dated 8th July, 2002 was made under Section 11 of the LAA.

3. The Petitioner states that he purchased the subject land by way of Registered Sale Deed dated 9th August, 1991 and is the recorded owner thereof. It is stated by the Petitioner that he is in settled, undisturbed, and physical possession of the subject land, in support of which the Petitioner has annexed to the petition notifications issued under Sections 9 and 10 of the LAA dated 23rd February, 2015. It is further stated by the Petitioner that the Award allegedly records that "possession of 3 *Bighas* of land out of 4 *Bighas* 16 *Biswas*" could not be taken up, which it is further alleged, consisted of the subject land. It is submitted by the Petitioners that they were awarded a "meagre" compensation of Rs.4,27,782/- on 20th February, 2004.

4. It is stated by the Petitioner that the declaration dated 23rd April, 2000 was quashed by the Supreme Court by its judgment dated 21st March, 2012 in C.A. No. 3513/2007 (*Sunil Goel and Ors. v. Union of India and Ors.*) with respect to the appellants therein. The Petitioner further states that Development Area No. 175, where the subject land is allegedly situated, was de-notified by the Lieutenant Governor in exercise of his powers under Section 12(1) of the Delhi Development Act, 1957 on 16th March, 2011. The Petitioner contends that the notification dated 27th October, 1999 was deemed to have lapsed. The fresh declaration dated 20th March, 2013 issued under Section 6 of the LAA was

quashed by this Court by its judgment dated 29th April, 2014 in W.P.(C.) 3049/2013 (*Sunil Goel and Ors. v. the State and Ors.*) with respect to the lands of the Petitioners therein.

5. In the counter-affidavit of the LAC, it is submitted that the writ petition is liable to be dismissed on the ground of delay and laches. It is further pointed out by the LAC that possession of the subject land was taken and handed over to the Delhi Development Authority ('DDA') by way of Possession Proceedings dated 9th May, 2000. Compensation of a sum of Rs.4, 27,782/- was tendered to the Petitioner by way of Cheque No. 533308 dated 29th December, 2003 upon an application by the Petitioner. It is also stated by the LAC that a fresh Award No. 07/2014-15/DC/N dated 19th March, 2015 has been made pursuant to the aforesaid fresh declaration dated 20th March, 2013.

6. As regards compensation, this Court finds that on the Petitioner's own showing, compensation pursuant to the Award, however meagre, has admittedly been received by the Petitioner. As regards possession, it emerges, from a perusal of the averments in the writ petition and the counter-affidavit filed by the LAC that the subject land was acquired for the purpose of the Rohini Residential Scheme. If in terms of the Award, the land was acquired for public purposes of the Rohini Residential Scheme, then by virtue of the order dated 18th October, 2016 of the Supreme Court of India in S.L.P.(C) Nos. 16385-88/2012 (*Rahul Gupta v. DDA*), even if on the date of the said order of the Supreme Court, actual physical possession was not with the DDA, if such

physical possession was not handed over to the DDA within ten days thereafter, the DDA would be deemed to be in possession of the lands in question. Therefore, even on the Petitioner's own showing, the possession cannot be said to be with him.

7. In the circumstances, it is not possible to grant the Petitioner relief under Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

8. For the aforementioned reasons, the writ petition is dismissed. The interim order dated 14th July, 2015 is hereby vacated. The pending application is also disposed of.

S. MURALIDHAR, J.

TALWANT SINGH, J.

AUGUST 22, 2019

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