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

+ **W.P.(C) 8467/2017 & CM Appl.No. 34861/2017 (stay)**

NET RAM SINGH PANWAR Petitioner

Through: Mr. Anuj Kumar Garg, Advocate

versus

UNION OF INDIA AND ORS. Respondents

Through: Mr. Sanjay Kumar Pathak, Advocate
for LAC/L & B

Mr. Dhanesh Relan, Standing counsel
with Ms. Gauri Chaturvedi,
Advocates for Respondent/DDA

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE REKHA PALLI

ORDER

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07.05.2019

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

A. Issue a writ, order or direction in the nature of mandamus commanding the respondents more specifically the respondent No. 1 to pay compensation with rehabilitation to the Petitioner as per the provisions of The Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 in respect to the land comprising in Khasra No.303 Min. (1 Bigha 4 Biswas) Situated in Village Shahabad, Daulat Pur, Delhi.

B. Or in alternative declare the land comprising in Khasra No.303 Min. (1 Bigha 4 Biswas) Situated in Village Shahabad, Daulat Pur, Delhi in favour of the Petitioner which was acquired by the notification dated 28.04.1995 under section 4 of Land Acquisition Act, 1894 and notification dated 26.04.1996 under section 6 of the Land Acquisition Act, 1894 which has been deemed to be lapsed in view of the section 24(2) of the Right to Fair Compensation And Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and further direct the respondents more specifically the respondent No. 1 and 2 to

release the land in question to the Petitioner accordingly and also further direct to enter the name of the Petitioner in the revenue record accordingly, in the interest of justice.

C. Award the cost of the petition to this Petitioner.”

2. The Petitioner states that he is the owner of the aforementioned land and has enclosed a copy of the Khasra Girdawari. The case of the Petitioner is that the said land which was acquired under a notification dated 28th April, 1995 under Section 4 of the Land Acquisition Act, 1894 (LAA) and a declaration dated 26th April, 1996 under Section 6 LAA. An Award No. 1/98-99 dated 24th April, 1998 has lapsed since the Petitioner is yet to be paid compensation. He has accordingly sought a declaration under Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (‘the 2013 Act’).

3. In the writ petition, it is stated that the Petitioner had earlier filed WP(C) No. 4936/2012 seeking the quashing of the above notifications and Award under the LAA. It was averred in that petition only paper possession was taken over and that actual physical possession remained with the farmers and further that Lt. Governor (LG) had by an order dated 30th December, 2010 de-notified the land.

4. The said writ petition came to be disposed of on 24th August, 2012 noting the submission of the LAC that the land in question had been taken over for the benefit of the DDA and due to obstruction it could not be taken over earlier. It was then ordered that subject to the Petitioner executing the necessary documents at the office of the LAC and surrendering possession

on 28th August, 2012 at 11am, the compensation would be released to him within two weeks thereafter.

5. According to the Petitioner, he thereafter gave representations on 28th August, 2012, 10th September, 2012 and 10th December, 2012. According to the Petitioner he received a cheque for Rs.1,84,516/- dated 18th January, 2007 in respect of an area of 8 bighas of land in Khasra No.303/Min for his 24/240th share on 21st March, 2007. The Petitioner also gave a separate application dated 2nd May, 2016 to the LG after the passing of the 2013 Act. This time he prayed that compensation be released in respect of land in Khasra No. 303 min (1 bigha 4 biswas) situated in Village Shahabad, Daulatpur, Delhi or alternative land be given in lieu thereof. Thereafter the present petition was filed.

6. In the counter affidavit filed by the LAC it is submitted at the outset that the petition is liable to be dismissed on the ground of delay and laches. It is stated that the land acquisition proceedings came to an end when by a cheque dated 18th January, 2007 a sum of Rs. 1,84,516/- was paid to the Petitioner for his 24/240th share in Khasra No. 303 min (8-00) in Village Shahabad, Daulatpur, Delhi. Possession of the said land was taken over on 13th January, 1997 and handed over to the DDA. As regards payment of balance compensation, reference is made to the payment certificate issued in that regard. It is denied that any further compensation is required to be paid. No rejoinder has been filed to the counter affidavit by the LAC.

7. The admitted position is that the Petitioner has not produced any valid

documents or title to show that he is entitled to receive any further compensation. Secondly he does not dispute that he has received compensation for his 24/240th share in Khasra No. 303 min (8-0) by a cheque for Rs. 184516/-.

8. There is no explanation for the extra ordinary delay in filing the present petition thereafter. With the Award having been passed way back in 1999 and the compensation amount having been paid, the Petitioner ought to have followed up the matter. Even after the order passed by this Court on 24th August, 2012 the Petitioner only kept giving representations but did not take any steps to seek implementation of the order passed by this Court. This cannot be said to be a case where there was a failure to tender compensation for the land acquired. With the Petitioner not disputing that he does not have possession of land in question, the question of invoking Section 24(2) of the 2013 Act does not arise. Consequently, the relief as prayed for in the present petition cannot be granted. The dismissal of this petition however will not preclude the Petitioner from following up the implementation of the order dated 24th August, 2012 passed by this Court if so permissible in accordance with law.

9. The petition is dismissed. The application is also disposed of.

S.MURALIDHAR, J.

REKHA PALLI, J.

MAY 07, 2019/mw