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

+ **W.P.(C) 8572/2017 & CM APPL. 39209/2018**

DHARAMVIR SINGH

..... Petitioner

Through: Mr.Sanchit Kumar, Advocate.

versus

GOVT OF NCT OF DELHI AND ORS

..... Respondents

Through: Mr.Sanjay K.Pathak with Mr.Sunil K.Jha & Mr.M.S.Akhtar, Advocates for R1 & R2.

Mr.R.V.Sinha with Mr.A.S.Singh & Mr.Amit Sinha, Advocates for R3/DMRC along with Ms.Garima, Legal Assistant, DMRC.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE I.S.MEHTA

ORDER

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16.05.2019

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

“(a) Pass appropriate writ order or direction thereby directing the Respondents not to interfere in the peaceful possession and enjoyment of the petitioner in respect of the super structure existing on the land of the petitioner measuring 150 sq. yds. (0-3 biswa) situated in Khasra No.225 of Revenue Estate of Village Mundka, Delhi as the respondents have left the said portion from their possession proceedings as the same was not required by the respondents;

(b) Pass appropriate writ order or direction thereby directing the Respondents No. 1 & 2 to denotify the land measuring 150 sq. yds. (0-3 biswa) situated in Khasra No. 225 of Revenue Estate of Village Mundka, Delhi as the same is not needed by the respondents;

(c) Pass appropriate writ order or direction-thereby declaring that the acquisition proceedings initiated by the Respondents in respect of land measuring 150 sq. yds. (0-3 biswa) situated in Khasra No. 225 of Revenue Estate of Village Mundka, Delhi having lapsed in view of the provisions of Section 24 (2) of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 as the Respondents have not paid the compensation in respect of the land nor they have taken the actual physical possession of the land till date.”

2. From the narration of events it is plain that the award in the present case i.e. Award No.3/DC/(W)/2008-09 was passed on 23rd May 2009. In that view of the matter, the relief under Section 24(2) of the 2013 Act cannot possibly be granted to the Petitioner since the Award has been passed within a period of 5 years from the coming into force of 2013 Act. On the previous date i.e. 29th January 2019 the Court noted this fact and rejected prayer ‘c’. The Respondents were asked to produce the records as far as the remaining prayers are concerned.

3. However, the Court finds that the other two prayers i.e. prayer ‘a’ and ‘b’ it is for not interfering with the possession and for de-notification of the land. It must be noted at the outset that there is no provision in the 2013 Act for ‘de-notifying’ the land. The stand in the counter-affidavit of the LAC is that possession was taken on 24th April 2008 and even the compensation again was sent to the Court of the learned Addl. District Judge.

4. In the reply filed on behalf of the DMRC also it is contended that possession was taken over on 24th April 2008 by demolition of the structure existing on the land. The case of the Respondents is that the Petitioner subsequently encroached on the land for which he was served notice by the DMRC and on account of which he approached this Court.

5. In that view of the matter, prayers 'a' and 'b' also cannot be granted. The petition is accordingly dismissed. The pending application is disposed of.

S.MURALIDHAR, J.

I.S.MEHTA, J.

MAY 16, 2019

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