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

+ **W.P.(C) 10230/2015**

SADA SINGH & ORS. Petitioners
Through Mr. Rajesh Gupta, Mr. Harpreet Singh
& Mr. M.C. Verma, Advocates

versus

UNION OF INDIA & ORS. Respondents
Through Mr. Sarat Chandra, Advocate for
Respondent No.1/UOI
Mr. Dhanesh Relan, Standing counsel with Ms.
Komal Sorout & Ms. Mrinalini Sharma, Advocates
for Respondent/DDA
Mr. Yeeshu Jain with Ms. Jyoti Tyagi, Advocates
for Respondent/LAC/L & B

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

% **11.01.2019**

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

(I) Issue writ of DECLARATION and/or any other appropriate Writ, Order or Direction in the like nature declaring the impugned acquisition proceedings commenced vide notification under Section 4 of Act 1894 bearing no. F.11(19)/01/L&B/LA/20112 Dated 21.03.2003 resulting in Award no. 06/2005-06 for Village Prahla Pur Bangar, Delhi vis-a-vis subject lands (detailed in Para 5) stands lapsed;

(II) Consequently issue writ of CERTIORARI quashing the impugned acquisition proceedings commenced vide notification under Section 4 of Act 1894 bearing no. F.11(19)/01/L&B/LA/20112 Dated 21.03.2003 resulting in Award no. 06/2005-06 for Village Prahla Pur Bangar, Delhi vis-a-vis subject lands (Para 5);

(III) Issue MANDAMUS and/or any other Writ, Order or direction in

the like nature commanding the respondents not to interfere with and/or obstruct the petitioners in peaceful enjoyment of the subject lands (detailed in Para 5) situate in village Prahlad Pur Bangar), Delhi;

(IV) Pass any other or further writ, order or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.

2. The narration in the petition reveals that 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 19th March 2004. Subsequently, the Award No.6/05-06 was passed on 12th June 2005.

3. In response to the present petition, a counter affidavit has been filed by the DDA on 28th April, 2016 pointing out that possession of land of Khasra Nos. 33/12 (4-16) and 33/13 (4-16) was handed over to the DDA by the LAC on 26th August, 2005 and on the very same day possession of land was transferred to the Engineering Department (RPD-IV) for the Rohini Residential Scheme. Copy of the possession proceedings dated 26 & 31st August, 2005 drawn up in respect of both parties have been enclosed with the affidavit. Till date there is no rejoinder filed to the counter affidavit of the DDA.

4. A separate counter affidavit has been filed by the LAC. Apart from confirming the handing over of possession of the land on the aforementioned dates by the LAC to the DDA, enclosed with the counter affidavit of the LAC, which was filed on 28th April, 2018 are the copies of the applications submitted by the individual Petitioners to the LAC for

payment of compensation. Para 2 of each of these applications reads as under:

“2. That possession of land was taken from the Applicant hence no other person except the Applicant is entitled to receive compensation.”

5. The applications further state that applicants were receiving the compensation under protest and subject to filing reference under Section 18 of the Land Acquisition Act, 1894 (‘LAA’).

6. Till date no rejoinder has been filed of the above counter affidavit of the LAC.

7. Today learned counsel for the Petitioner sought to contend that while the Petitioners do not dispute having given those applications, copies of which are enclosed with the affidavit of the LAC, possession somehow continues to remain with the Petitioners. According to him while the Petitioners do not deny that they handed over possession to the Respondents, it is not clear whether the Respondents in fact ‘took over possession’.

8. This submission, to say the least, is strange. The possession proceedings, copies of which have been enclosed both with the affidavits of the DDA and the LAC, make it clear that representatives of the Engineering Branch were very much present at the site. Further, it is clearly recorded that they took over possession. It is not open for the Petitioners to raise a dispute at this stage more than a decade later about whether possession was taken over from them by the LAC and handed over to the DDA on the spot itself.

9. Neither of the conditions in Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 is fulfilled in the present case.

10. The petition is dismissed.

11. Interim order dated 2nd November 2015 stands vacated.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 11, 2019

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