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

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Date of Decision: 20.09.2024

+ **W.P.(C) 878/2017**

NAVAL SINGH

.....Petitioner

Through: Mr. Sumit Kumar, Advocate along
with Petitioner in person.

versus

GOVT. OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Sanjay Kumar Pathak, Standing
Counsel with Mr. Sunil Kumar Jha and
Mr. M.S. Akhtar, Adv. for R- 1&2.
Mr. Arun Birbal, Adv. with Mr. Sanjay
Singh, Adv. for DDA.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE SACHIN DATTA

VIBHU BAKHRU, J.

CM APPL.30410/2023 (restoration) & CMAPPL. 30411/2023 (delay)

1. The petitioner has filed the present application (CM APPL. 30410/2023) seeking restoration of the above captioned petition, which was dismissed by an order dated 22.07.2021.
2. None had appeared for the petitioner in the above captioned petition on 22.07.2021 and hearings immediately preceding the said hearing. Thus, the Court had concluded that the petitioner was not interested in pursuing the above captioned petition.
3. The petitioner states that he is aged about 81 years and his health did not permit him to appear before the Court on each date of hearing. Accordingly, he had entrusted the matter to his advocate. However, his



advocate stopped appearing before the Court in the above captioned petition.

4. The petitioner has filed an application for condonation of delay of six hundred and twenty-five days in filing the aforesaid application for recall of the order dated 22.07.2021.

5. Although, there is an inordinate delay in moving this Court for recall of the aforesaid order. In view of the mitigating circumstances including the advanced age of the petitioner, we consider it apposite to allow the same.

6. The petition is restored to the same position as obtaining on 22.07.2021.

7. In view of the above, the said applications are allowed.

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8. The petitioner claims that he owned a land comprising in Khasra No.532 Min (4-0) situated in the Revenue Estate of Village Ghonda Gujran Khadar, Delhi (hereinafter *the subject land*). He and his brother had inherited the subject land from their father, who was the recorded owner of the subject land.

9. The notification under Section 4 of the Land Acquisition Act, 1894 (hereafter *the LA Act*) was issued on 24.10.1961. This was followed by the notification dated 02.09.1966 issued under Section 6 of the LA Act. The subject land was acquired in terms of the award No. 9/1973-74.

10. It is the petitioner's case that since more than five years have elapsed from the date of the award but the compensation has not been paid to the land owners, the acquisition had lapsed by virtue of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereafter *the 2013 Act*).

11. It is relevant to refer to the prayer made in the present petition. The same is reproduced as under:-



“a) issue appropriate writ/order/direction thereby quashing entire acquisition proceedings arising from Award No.9/1973- 74, in respect of land comprised in Khasra No.532 Min (4-0) situated in Revenue Estate of Village Ghonda Gujran Khadar Delhi acquired vide Notification No. F.15 (245)/60-LSG-L&H dated 24.10.1961 under Section 4 of the Land Acquisition Act, 1894, being lapsed, in view of Section 24(2) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 or in the alternative directing the respondents to pay the compensation to the petitioner, as per Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013, as per his share in land comprised in Khasra No.532 Min (4-0) situated in Revenue Estate of Village Ghonda Gujran Khadar, Delhi, on the basis of Govt. circle rate, in the interest of justice.”

12. Respondent no.2, Land Acquisition Collector (LAC), has filed a counter-affidavit affirming that the possession of the subject land was taken up on 03.04.1978 and the compensation for the subject land was also released to the petitioner on 07.04.2016. Respondent no.3, Delhi Development Authority (DDA) has also filed an affidavit enclosing therewith, the possession proceedings, *inter alia*, in respect of the subject land which reflect that the possession of the subject land was taken over along with other lands.

13. In view of the above, there is no dispute that the possession of the subject land was taken over by respondent no.2 and handed over to respondent no.3.

14. In view of the decision of the Supreme Court in ***Indore Development Authority v. Manoharlal and Ors.: (2020) 8 SCC 129***, the acquisition has not lapsed under Section 24 (2) of the 2013 Act as the two conditions – the possession has not been taken over and the compensation has not been paid



are not cumulatively satisfied. The petitioner's claim that the acquisition of the subject land has lapsed is required to be rejected.

15. The learned counsel for the petitioner submits that the petitioner has not received the compensation for the subject land and therefore, his alternate prayer for grant of compensation be allowed. We are also unable to accede to the said prayer as the documents on record clearly indicate that the petitioner was paid a sum of ₹2,115.85 (Two Thousand One Hundred Fifteen Rupees and Eighty-Five Paise) by the concerned authorities. The refund voucher has been placed on record.

16. In addition, the learned counsel for the respondent has also handed over the photocopies of certain documents, which indicates that the total compensation of the subject land was fixed at ₹3,173.78 (Three Thousand One Hundred Seventy-Three Rupees and Seventy-Eight Paise) and the same was to be shared between the three stakeholders (daughter and two sons of Late Sh. Karan Lal). Late Sh. Karan Lal's daughter Smt. Sumantra had relinquished her $\frac{1}{3}$ rd share in favour of the petitioner (her brother).

17. Accordingly, the petitioner received $\frac{2}{3}$ rd share of ₹3,173.78 that is, ₹2,115.83 and his brother received $\frac{1}{3}$ rd of the share of the total compensation of ₹3,173.78/- that is, ₹1,057.93. However, the said amount was physically paid to the petitioner. The documents indicating the above, are signed by the LAC, Patwari as well as the Kanoongo.

18. The LAC has also produced photocopies of the refund voucher bearing the signature of the petitioner.

19. The learned counsel for the petitioner submits that the compensation paid was negligible and the petitioner had signed the documents on the false misrepresentation that a sum of ₹2 to ₹2.5 Crores would be paid to him. He



submits that the petitioner is an illiterate person and was deceived into accepting the compensation. The petitioner also made two complaints before the concerned SDM in this regard and the same are annexed with the present petition.

20. In its complaints, the petitioner had articulated his grievance that he was assured by the concerned land acquisition authorities that the current market rate of the land would be paid to him.

21. Undeniably, the compensation paid to the petitioner does appear to be meagre relative to the current market value of immovable properties. However, the compensation is meagre as the subject land was acquired pursuant to a notification issued under Section 4 of the LA Act in the year 1961.

22. It is apparent that the petitioner's grievance is regarding enhancement of the compensation. However, no such relief can be entertained in this petition as the petitioner was required to make a reference under Section 18 of the LA Act if he was unsatisfied with the quantum of the compensation awarded in relation to the subject land.

23. In view of the above, no relief can be granted to the petitioner in this present petition and the same is, accordingly, dismissed.

VIBHU BAKHRU, J

SACHIN DATTA, J

SEPTEMBER 20, 2024

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