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

% *Decided on: 15th May, 2023*

+ W.P.(C) 6392/2023 & CM APPL. 25188/2023

AVTAR SINGH

..... Petitioner

Through: Mr. Vikas Poonia, Advocate
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versus

GOVT OF NCT DELHI ORS

..... Respondents

Through: Ms. Mrinalini Sen, Advocate
for respondent/DDA.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

[Physical Hearing/ Hybrid Hearing]

MINI PUSHKARNA, J. (ORAL):

CM APPL. 25188/2023 (Application under Article 226 of the Constitution of India read with Section 151 CPC on behalf of applicant/petitioner seeking exemption from filing certified/typed copies of the dim/illegible annexure)

1. Allowed, subject to just exceptions.
2. Application is disposed of.

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3. The present writ petition has been filed for directions to the respondents to enquire and decide the complaint dated 05.09.2022 submitted on behalf of the petitioner, in a time bound manner. There is further prayer for directions to the respondents to inquire and investigate and decide the complaint dated 05.09.2022.
4. It is the case on behalf of the petitioner that he and his five



brothers, are the legal heirs of their deceased father. It is submitted that the father of the petitioner migrated to India in the year 1947. He became a member of the Kisan Co-operative Multipurpose Society, Tughlakabad, Delhi. Thus, being a member of the said society, he was allotted certain agricultural land.

5. It is submitted that subsequently the land was allotted to the father of the petitioner by the Settlement Officer/Land Allotment Officer (R), Gokhle Market. Thus, it is submitted that the land under the ownership of father of the petitioner was as follows:-

S. No.	Khasra No.	Area
1.	731	8 Bigha 9 Biswa
2.	732	2 Bigha 3 Biswa
3.	733	1 Bigha 18 Biswa
4.	734	3 Bigha
5.	735-736	5 Bigha 3 Biswa
6.	2611/735-736	3 Bigha 8 Biswa
7.	2611/737	2 Bigha 9 Biswa
8.	2611/738	2 Bigha 3 Biswa
9.	2614/859	4 Bigha 11 Biswa
10.	2614/875	2 Bigha 3 Biswa
11.	1777/876	0 Bigha 9 Biswa
12.	1779/876	1 Bigha 11 Biswa

6. It is submitted that after the allotment of the aforementioned land, late Sh. Raja Singh, father of the petitioner became absolute



owner of these properties. The father of the petitioner died on 12.01.1964, without alienating the aforementioned land and left behind the land to the surviving legal heirs, including the petitioner, who is presently the only surviving son of late Sh. Raja Singh.

7. It is submitted that the petitioner and other legal heirs of late Sh. Raja Singh are not educated and therefore, did not know anything about the legal procedures. Thus, it is submitted that they came to know that their ancestral land had been acquired by the authorities and that they were informed by the elders that they will get the award and compensation in their favour in view thereof. However, it is submitted that no compensation has come to be given to the petitioner or the other legal heirs. Subsequently, the petitioner was able to lay his hands on the Award pertaining to aforementioned land i.e. award bearing no. 66/86-87 dated 16.09.1986 and award no. 50A SUP 69-70. It is submitted that upon perusal of the aforesaid Awards, it was found that Award has been passed in favour of unknown wrongful persons, who have no claim, right or entitlement to the land, which actually belonged to the father of the petitioner.

8. It is submitted that the petitioner, thus, filed two complaints on 05.09.2022 with respect to the aforesaid Award nos. 66/86-87 and 50A SUP 69-70. The said complaints were made to the Additional District Magistrate/Land Acquisition Collector, District South East. Thus, it is submitted that despite making the aforesaid complaints dated 05.09.2022, no order has come to be passed on behalf of the respondents.

9. Ms. Mrinalini Sen, learned standing counsel for respondent no.



4/DDA at the outset submits that the present writ petition is devoid of any merits. She submits that the Awards in question pertain to the year 1986-87, therefore, the petitioner has approached this Court belatedly. Further, she submits that the petitioner has an alternative remedy under Section 31 of the Land Acquisition Act, 1894.

10. Considering the submissions made before this Court, it is seen that the present petition has been filed by the petitioner essentially with respect to the land acquisition Awards of the year 1986-87. The plea of the petitioner that the Awards have been passed in favour of wrongful persons, can be considered only by the Land Acquisition Collector.

11. Law is very clear that Land Acquisition Act being a complete code in itself, the jurisdiction of the Civil Courts is barred with respect to the claims/proceedings under the Land Acquisition Act.

12. Thus, the present writ petition as such with respect to any claim of the petitioner would not be maintainable. However, this court notes that by way of the present petition, the only prayer made by the petitioner is that the complaints dated 05.09.2022 made with the Additional District Magistrate (ADM) Land Acquisition Collector, South East, Amar Colony, Delhi-110024 be considered and disposed of expeditiously.

13. Considering the prayer made on behalf of the petitioner, it is directed that the learned ADM shall consider the complaint dated 05.09.2022 submitted by the petitioner expeditiously, preferably within 3 months from today.

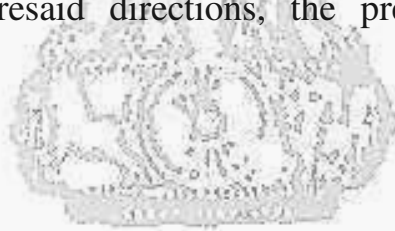
14. It is to be noted that by Section 114 of The Right to Fair



Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, Land Acquisition Act, 1894 has been repealed. However, the said Section further provides that the repeal shall not be held to prejudice or affect the general application of Section 6 of the General Clauses Act, 1897 with regard to the effect of repeals. Section 6 of the General Clauses Act, 1897 clearly provides that repeal of an enactment shall not affect any right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed. It further provides that repeal shall not affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, etc.

15. Thus, the petitioner is also given liberty to seek his legal remedies in terms of the Land Acquisition Act, 1894.

16. With the aforesaid directions, the present writ petition is disposed of.



MINI PUSHKARNA, J

MAY 15, 2023

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