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

+ **W.P.(C) 3434/2024 CM APPL. 14019/2024**

JITENDER SINGH AND ANR.

..... Petitioners

Through: Mr.Ali Chaudhary, Advocate.

versus

UNION OF INDIA AND ANR

..... Respondents

Through: Mr.Sanjay Kumar Pathak, SC,
Mr.Sunil Kumar Jha, Mr.M.S.Akhtar,
Ms.Nidhi Thakur and Ms.M.Benzeer
M.Hashmi and Mr.Mayank Arora,
Advocates for R1/UOI/LAC.
Ms.Mrinalini Sen, Standing Counsel,
DDA for R2/DDA

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

06.03.2024

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1. The petitioners have filed the present petition, *inter alia*, praying as under:-

“(i) Seeking Issuance of a writ of mandamus directing the respondent to pay compensation to the petitioners in terms of the award dated 09.01.1981 bearing award no.80-e/70-71 (supp.) Vis-a-vis the lands comprised in khasra no.2528/1229 (12 bighas 11 biswas) and khasra no.1223 (8 bigha 16 biswas) wherein the petitioners have 1/6th share and in terms of the order dated 22.07.2022 passed by the Hon'ble supreme Court in C.A.4891/2022.”

2. The petitioners claim to be the owner of 1/6th undivided share of the land falling in Khasra No.2528/1229 (12 bighas 11 biswas) and Khasra No.1223 (8 bighas 16 biswas) located in Village Mehruali, Delhi (hereafter ‘the subject land’). The notification under Section 4 of the Land Acquisition Act, 1894 in respect of a parcel of land including the subject land, was



issued on 23.01.1965. This was followed by the notification under Section 6 of the Land Acquisition Act, 1894 which was published on 07.12.1966. The award was made on 09.01.1981 and the possession of the subject land was taken over on 23.09.1981.

3. Petitioner no. 2 Gian Singh had filed the W.P.(C) No.2261/2015 captioned *Gian Singh & Anr. v Union of India & Ors.* challenging the acquisition of the subject land. The said petition was allowed by an order dated 20.12.2017. The Court held since the compensation has not been paid, the acquisition has been elapsed. However, the decision dated 20.12.2017 of this Court was set aside by the Supreme Court by an order dated 22.07.2022 in the Civil Appeal No.4891/2022 in view of the later decision in *Indore Development Authority v. Manoharlal & Ors. (2020) 8 SCC 129.*

4. In the aforesaid context, the petitioners have filed the present petition claiming the compensation in terms of the award dated 09.01.1981. It is relevant to note that in the aforesaid W.P.(C) No.2261/2015 captioned *Gian Singh & Another v Union of India & Others*, the Land Acquisition Collector (LAC) had filed a counter affidavit, *inter alia*, stating that since there was a dispute amongst the claimants, the compensation has been deposited with the Revenue Deposit (Revenue Deposit).

5. The learned counsel appearing for respondent no.2 – Delhi Development Authority (DDA) submits that since the petitioners seek compensation in terms of the award, the petitioners are required to avail the remedies under the Land Acquisition Act, 1894.

6. The learned counsel for the petitioner submits that the petitioners had made the representation dated 29.08.2022 to the DDA (copy is annexed with the petition as annexure A-10). However, the same has not been considered.



7. Mr. Pathak, learned counsel appearing for respondent no.1/LAC submits that the petitioners had made the representation to the Lieutenant Governor of Delhi, but have not made the representation to the concerned authorities. He submits that if the petitioners make a fresh representation to the concerned LAC, the same would be considered in accordance with law.

8. The learned counsel for the petitioners submits that the present petition itself may be considered as the representation on behalf of the petitioners.

9. In view of the above, we direct the concerned LAC to consider the present petition as a representation on behalf of the petitioners for seeking compensation. No further orders are called for in this petition.

10. The petition stands disposed of with aforesaid directions. Pending application also stands disposed of.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

MARCH 06, 2024

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Click here to check corrigendum, if any