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

+ **W.P.(C) 1966/2018**

BIJENDER SINGH

.....Petitioner

Through: None.

versus

**LAND ACQUISITION COLLECTOR / ADM
& ANR**

.....Respondents

Through: Mr. Sanjay Kumar Pathak, SC
with Ms. K. K. Kiran Pathak,
Mr. Sunil Kumar Jha, Ms. M.
B. Hashmi & Mr. Sami Sameer,
Advs for LAC.

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

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08.11.2024

1. The present writ petition has been preferred seeking the following reliefs: -

“(a) issue a writ of mandamus, directing the respondents either to comply with the order dated 19.01.2005 passed in W.P.(C) No. 19686/2004, titled as *"Bijender Singh Vs. Addl. Distt. Magistrate & L.A."* or to pay compensation to the petitioner in lieu of his acquired shop alongwith its superstructure, possession of which was taken on 30.12.2003 by demolishing the same, as assessed by the respondent No.1/LAC in its Award No.2/2005-06 announced on 10.11.2005 @ Rs.7500/- per sq. meter for 15 sq. meters of land and Rs.46,272/- for the superstructure, alongwith (1) solatium @ 30% of the market value as provided under Section 23(2) of the Land Acquisition Act, 1894, (2) additional market value @ 12% per annum from the date of notification U/s 4 till the date of possession i.e. 30.12.2003 and (3) interest @ 9% per annum for one year from the date of possession and 15% thereafter till the date of payment as provided U/s 34 of the Land Acquisition Act;



b) Pass such other order or further order as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case in favour of the petitioner and against the respondents, in the interest of justice."

2. It would appear that in an earlier round of litigation, the writ petitioner had approached this Court by filing a writ petition titled **Bijender Singh v. Addl. Distt. Magistrate and L.A.** [W.P. (C) 19686/2004] which came to be disposed of in the following terms:-

"11. That the petitioner filed writ petition being WP(C) No.19686/2004 titled Bijender Singh Vs. Addl. Distt. Magistrate and L.A. which was disposed on 19.01.2005 with direction to the petitioner to move an application to the Land and Building Department for allotment of an alternative sub plot under the policy of the Govt. which was to be considered by the competent authority within the period of six weeks from the date of receipt of the application. The relevant portion of the order passed in WP(C) No.19686/2004 as available on the website of Delhi High Court is reproduced for ready reference:-

ORDER

19.01.2005

CM No. 14497/2004

Exemption allowed subject to all just exceptions.

C.M. stands disposed of accordingly.

W.P.(C) No. 19686/2004

Learned Counsel appearing for the petitioner states that the constructive property of the petitioner was acquired but he has not received any compensation till date. It is further stated that under the policy of the Government, the petitioner would be entitled to an alternative plot.

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After issuance of the notification under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the Act'), notice under Section 9 (1) of the Act was issued by the respondents on 12.11.2003. The matter is stated to be pending before the competent forum in relation to certain objections arising inter se departments.

Be that as it may, it is not necessary for us to go into the merits of the contentions raised before us, particularly in view of the fact that the learned counsel appearing for respondents no.1 and 2 has stated that the petitioner can move an application to the Land and Building Department for allotment of an alternative sub-plot under the policy of the Government which shall be considered by the said authority within a period of six weeks from the date it is



received.

In view of this statement no further directions are needed. We dispose of this petition, with liberty to the petitioner to file an application before the Land and Building Department within one week from today. If such a representation/application is received by the Department, the same shall be dealt by the Department in accordance with law, within six weeks thereafter.

The copy of the order passed thereupon shall be communicated to the petitioner by registered acknowledgment due.

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The petition is disposed of with the above directions.

Copy of the order be given dasti to the counsel for the parties.”

3. As is manifest from the aforesaid order, the claim of the petitioner at that stage appears to have been restricted to the consideration of its claim for being allotted an alternative sub plot. We are informed by Mr. Pathak, learned counsel appearing for Land Acquisition Collector [‘LAC’] that no representation for allotment of a sub-plot was thereafter made.

4. We note that insofar as the present writ petition is concerned, the prayer which is made is for compensation of some structures which are alleged to have been demolished. However and bearing in mind, the order passed in *Bijender Singh*, there would be no justification for us to examine the said relief.

5. We take into consideration the fact that undisputedly the proceedings under the Land Acquisition Act, 1894 [‘LAA Act’] had been commenced with the issuance of a Notification under Section 4 of the LAA Act on 16 October 2003 and which was followed by a declaration under Section 6 of that Act on 12 November 2003. As per the disclosures made by the respondents, the Award came to be declared on 10 November 2005. It is only thereafter that the petitioner had, and after a lapse of almost 13 years, approached this Court.



6. We consequently find no merit in the writ petition. The same shall stand dismissed.

YASHWANT VARMA, J.

RAVINDER DUDEJA, J.

NOVEMBER 8, 2024 /sk