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

+ **W.P.(C) 2257/2017**

NAFE SINGH AND ORS

.....Petitioners

Through: **Mr. Aman Mehrotra, Adv.**

versus

UNION OF INDIA AND ORS

.....Respondents

Through: **Ms. Astha Tyagi, Adv. for R-1
& 2.**

**Mr. Ashim Vachher, St.
Counsel with Mr. Vaibhav
Dabas, Mr. Kunal Lakra, Mr.
Vinayak Uniyal & Ms. Saiba
M. Rajpal, Advs. for Resp./
DDA.**

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

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27.11.2024

1. This writ petition has been preferred seeking the following reliefs:

“a. pass a writ, order or direction in the nature of a writ of declaration, declaring the acquisition proceedings initiated under the Land Acquisition Act, 1894, if any, in respect of the half share in land of the petitioners, admeasuring 6 bigha bearing khasra no. 671/337 situated in Village Sultanpur Majra, Distt. North West, Delhi, if any as deemed to have lapsed in view of the provisions of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and the possession of the petitioners' land be restored back as it is to the petitioners;

b. further pass a writ, order or direction in the nature of a writ of mandamus thereby directing the respondents to acquire the land of the petitioners as per The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 1/2 share out of land admeasuring 6 bigha comprising in khasra No.671/337 situated in Village -Sultanpur Majra, Distt. North West, Delhi; and



Pass any such other order/ directions as this Hon'ble Court may deem just, fit and proper in the interest of justice.”

2. We take note of the disclosures which are made by and on behalf of the Land Acquisition Collector [“LAC”] as well as the Delhi Development Authority [“DDA”] on the writ petition. We deem it appropriate to firstly extract the stand as taken by the LAC and which stands reflected in paragraph 5 of its counter affidavit which reads thus:

“5. That as per the records available with the office of the respondent Khasra No. 671/334(6-0) of village Sultanpur Majra is not acquired. Hence, the present Writ Petition is not maintainable as Khasra No. 671/337 is not acquired by the respondent and the same has also been admitted by the petitioner in para 5 of their petition.”

3. The DDA, which was arrayed as a party respondent, has taken an identical position as would be apparent from a reading of para 4(a) of its affidavit and which is reproduced hereinbelow:

“4. I say that I am advised to make the following Preliminary Objections:

a) I say that the Petitioners in the present petition avers to be the legal heirs of one Late Sh. Ghisu who is stated to be the recorded owner of half share in Khasra No. 671/337 admeasuring 6 Bighas, situated in village Sultanpur Mazra District – North West Delhi, Delhi. It is submitted that as per records available, the land in dispute is neither acquired by the Answering Respondent, nor is the Answering Respondent in possession of the said land. Therefore, in view of the foregoing, the Petitioner does not have any locus to maintain the present petition against the Answering Respondent.”

4. Despite those affidavits having been filed as far back as in 2019, the writ petitioner has chosen not to traverse the same.

5. In light of the stated and categorical stand of the respondents that the land in question was not subjected to acquisition, the issue of a declaration referable to Section 24(2) of the Right to Fair



Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 being entered does not arise.

6. The writ petition fails and shall stand dismissed.

YASHWANT VARMA, J.

DHARMESH SHARMA, J.

NOVEMBER 27, 2024/kk