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

Date of decision: 9th December, 2024

+ **W.P.(C) 16939/2024 & CM APPL. 71758/2024**

SH MUKESH NAGAR

.....Petitioner

Through: Mr. Sunil Choudhary, Mr. Praveen
Singh and Mr. Siddharth S., Advs.

versus

**GOVT OF NCT OF DELHI ACTING THROUGH ITS LAND
ACQUISITION COLLECTOR
EAST AND OTHERS**

.....Respondents

Through: Mr. Sanjay Kumar Pathak, Standing
Counsel with Mrs. K. Kaomdii Kiran
Pathak, Mr. Sunil Kumar Jha and Mr.
M. S. Akhtar, Advs. for R-1 (M:
9910770311)
Ms. Mrinalini Sen, Standing Counsel
DDA, Ms. Gauri Shyam, Adv. for R-
2. (M: 7317482503)

**CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE AMIT SHARMA**

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The present writ petition has been filed on behalf of the Petitioner- Mr. Mukesh Nagar under Article 226 of the Constitution of India challenging the impugned order dated 18th July, 2024 passed by the learned Land Acquisition Collector (*hereinafter, the 'LAC'*), L.M. Bandh, Shastri Nagar, Delhi. Vide the said order the LAC dismissed the application filed by the Petitioner seeking enhanced compensation for acquisition of his land falling in Khasra No. 583/196(5-05).



3. The Petitioner's land situated in Khasra No. 583/196 (5-05) was acquired by the DDA *vide* Award no. 28-B/1970-71, Village Khichripur, Shahdara Circle, Delhi.

4. The said acquisition proceedings had been concluded in 2003 itself when the enhanced compensation was paid and released to the predecessor-in-interest of the Petitioner.

5. However, sometime in 2016, it appears that the land which was in the possession of DDA was transferred to the DMRC and a sum of Rs.2,33,73,95,068/- was paid to the DDA at that time. This led to an application being filed by the Petitioner seeking release of the said amount so received by DDA from DMRC. This application was not being decided by the concerned LAC which resulted in the filing of a writ petition being **W.P.(C) 5538/2024**. In the said writ petition, *vide* order dated 22nd April, 2024, the following order was passed: -

"CM APPL. 22767/2024 (Exemption)"

1. *Exemption is allowed, subject to just exceptions.*

2. *The application stands disposed of.*

W.P.(C) 5538/2024

3. *The petitioner has filed the present petition, inter alia, with the following prayer: -*

'Issue a writ in the nature of mandamus or direction to the respondent and its officials to decide the application (as mentioned in annexure-E) of the Petitioner within time bound manner or within the time so granted by this Hon'ble Court;'

4. *It is the petitioner's case that he had filed an application with the Land Acquisition Collector (LAC) seeking a direction to the Delhi Development Authority (DDA) to handover the amount of ₹2,33,73,95,066/- received from Delhi Metro Rail Corporation Ltd. (DMRC) on account of allotment of land comprising in Khasra No.583/1996(5-5) of Village Khichripur, Delhi to the owners. The petitioner*



also claims to be owner of the subject land. It is stated that Delhi Metro Rail Corporation Limited has filed a reply to said application before LAC and written submissions have also been filed. The petitioner's grievance is that said application which was filed sometime in the year 2021 has not been decided yet.

5. The learned counsel appearing on behalf of the respondents have no objection, if the present petition is allowed.

6. In view of the above, we request the LAC to consider the petitioner's application (a copy of which is annexed as Annexure C to this petition) and pass such orders as it deems fit as expeditiously as possible, and preferably within a period of three months from date.

7. The petition is allowed in above terms."

6. As can be seen from the above order, the Id. Coordinate Bench had directed that the LAC would consider the Petitioner's application and pass orders in the said application. It is pursuant to the said order of the Coordinate Bench that the impugned order has been passed which is under challenge in the present petition.

7. The submission of Id. Counsel for the Petitioner is that the Petitioner had sought a wrong prayer due to wrong legal advice. In fact, the application before the LAC, ought to have sought possession of the land comprising of 5 Bighas and 5 Biswas (5-05) of which the possession was with the Petitioner and was not given to the DDA. He, further, submits that the prayer for the amount received by the DDA was a misconceived prayer, and therefore, he has made fresh prayers in the present writ petition.

8. On the other hand, Id. Counsel appearing for the DDA submits that in the earlier writ petition, being **W.P.(C) 5538/2024** the DDA was not even a party and the acquisition proceedings have been commenced way back in



2003, thus, further prayers at this stage cannot be entertained. Moreover, Ms.Sen submits that there is no basis for seeking such relief by way of the instant petition.

9. On behalf of the LAC, Mr. Pathak, Id. Counsel submits that the LAC has passed the impugned order based upon the reliefs sought in the application before it.

10. The application filed by the Petitioner has been perused by this Court and the title of the said application reads as under: -

***“APPLICATION ON BEHALF OF THE APPLICANT/
CLAIMANT FOR CALLING AND RELEASE OF THE
AMOUNT, SO RECEIVED BY DDA FROM DMRC ON
ACCOUNT OF ACQUISITION/HANDING OVER LAND OF
THE APPLICANT.”***

11. Further, the prayer sought in this application reads as under: -

“It is prayed that the DDA may kindly be directed to handover the amount of Rs.233,73,95,066/- so received from DMRC on account of allotment of land Khasra No.583/1996 (5-5) of Village Khichripur, Delhi belonging to the owner/applicant immediately to the applicant.”

12. In the written arguments filed before the LAC, again, the only claim of the Petitioner was that the Petitioner is still the owner of the land in question.

13. *Vide* the impugned order, the LAC has clearly come to a conclusion that the application is not sustainable inasmuch as the acquisition proceedings had concluded way back on 7th January, 2003 and merely because the land has been transferred by the DDA to the DMRC, sometime in 2016, it would not give any right to the Petitioner to claim enhanced compensation.



2024:DHC:9515-DB



14. In the opinion of this Court, once the acquisition proceedings were finalized *vide* award No. 28B/1970-71 and compensation and enhanced compensation in terms thereof, was paid to the Petitioner in 2003, after 21 years the Petitioner cannot seek recall or reopening of the said proceeding under any pretext. Even in the application, there are no averments relating to possession being with the Petitioner.

15. In any event, no such averments also appear to have been urged before the LAC. The transfer of the land from DDA to DMRC would not *ipso facto* create any further right in favour of the Petitioner inasmuch as once the land has been acquired and it has been put to public use, the Petitioner does not have any *locus standi*, if the transfer happens between two agencies subsequently, for public purposes. Moreover, the prayer in the writ petition is also barred by laches as the reliefs being sought do not deserve to be granted, that too 21 years after the acquisition proceedings have attained closure.

16. Under such circumstances, the writ is untenable and the impugned order does not deserve to be interfered with.

17. The writ petition is disposed of along with all pending applications.

PRATHIBA M. SINGH
JUDGE

AMIT SHARMA
JUDGE

DECEMBER 09, 2024

dj/rks

Signature Not Verified

Digitally Signed By BHASKAR
SINGH RAWAT
Signing Date: 10/12/2024
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W.P.(C) 16939/2024

Page 5 of 5