



2024:DHC:9972-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 18th December, 2024

+ **W.P.(C) 17415/2024 & CM APPL. 74113/2024**
SMT SAROJ & ORS.Petitioners

Through: Mr. Mohit Ramdeo, Advocate (M-9873903395).

versus

UNION OF INDIA & ORS.Respondents

Through: Mr. Piyush Gupta, CGSC with Prateek Gupta, Mr. Amit Sharma and Mr. Atishay Jain, Advocates for R-1/UOI (M- 9818020868).

Mr. Gaganmeet Singh Sachdeva, Advocate for R-2/DDA (M-8826243101).

Mr. Sanjay Kumar Pathak, Standing Counsel with Mrs. K. Kaomudi Kiran Pathak, Mr. Sunil Kumar Jha, Mr. M. S. Akhtar and Mr. S. S. Siddiqui, Advocates for R-3 and 4, (M-9910770311).

Ms. Tajinder Virdi, Standing Counsel for R-5/MCD, (M-9818834444/9718834444).

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE AMIT SHARMA

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

CM APPL. 74114/2024 (for exemption)

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



W.P.(C) 17415/2024 & CM APPL. 74113/2024

3. The present writ petition under Article 226 of the Constitution of India has been filed by the Petitioners seeking issuance of a writ in the nature of mandamus, *inter alia*, to declare that the land acquisition proceedings in respect of Khasra No. 48/7/2, Village- Palam, New Delhi, comprising 2 bighas and 8 biswas (hereinafter “*subject land*”), have lapsed in terms of the Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

4. The case of the Petitioner is that the Notifications under Section 4 & 6 of the Land Acquisition Act, 1894, *qua* the subject land were passed in 1984 and *vide Award No. 157/86-87* dated 19th September, 1986, the subject land was acquired.

5. It is stated that the subject land was part of a larger parcel of land comprising 3873 bighas and 10 biswas in Village Palam. According to the Petitioner, till date the physical possession of subject land has not been taken by the Respondents and, therefore, the case of the Petitioner is that the acquisition proceedings *qua* subject land have lapsed.

6. The Id. Counsels for Respondents have entered appearance.

7. On behalf of Municipal Corporation of Delhi (hereinafter “*MCD*”), Id. Counsel, has pointed out that the subject land was acquired way back in 1986 after which possession was taken over and even the compensation was paid. In this regard, a certificate dated 7th October, 1999, issued by the Deputy Commissioner, Land Acquisition Collector (hereinafter “*LAC*”), Tis Hazari, Delhi is relied upon by the Id. Counsel for the MCD.

8. In addition, the Id. Counsel for MCD has also submitted that the land over which the MCD Office at Raj Nagar has been constructed belongs to the



MCD and that the said office was constructed long ago. This fact has also been confirmed by the MCD on 16th August, 2022 in response to the RTI No. 42 dated 21st July, 2022.

9. Ld. Counsel for the Petitioner, however, submits that the Delhi Development Authority (DDA) website does not show that the subject land has been acquired and it is still shown categorised as “*Abadi*” land.

10. The certificate issued way back on 7th October, 1999 by the Deputy Commissioner, LAC, Tis Hazari, Delhi, annexed to the present petition as ***Annexure – F***, has been perused by the Court. The said certificate records as under:-

“This is to certify that the land mentioned below of the Village Palam has been acquired vide Notification No. F.9(16)/84/L&B dated 27.01.1984 and Award No. 157/8687 announced on 19.09.86.

The possession of the land has been transferred to the Government Department on 13.10.86.

Shri Sardar Singh son of Ram Singh was the share holder in the acquired of the land and compensation of the land was paid.”

11. The above certificate clearly states that the subject land has been transferred to the Government Department on 13th October, 1986 and Shri Sardar Singh Solanki, son of Ram Singh, who was the shareholder in the acquired land *i.e.*, the subject land, was also paid the compensation.

12. It is also noted that the Petitioner has alleged in the petition that out of the subject land of 2 bighas and 8 biswas, an area of approximately 1000-1500 sq. yds. is under illegal possession of MCD. It is also alleged that the MCD has constructed a warehouse/office over the said area under its possession.

13. The Petitioner - Sh. Vijay Inder Solanki, is the son of Shri Sardar Singh



Solanki and has claimed his rights through his father itself.

14. Considering the fact that the possession of the subject land was taken long ago and payment of compensation has also been made, it would not be permissible to re-open the entire issue by way of a fresh writ petition.

15. Moreover, the stand of the Petitioner that there is no document showing how the subject land is vested with the MCD is completely bereft of any merit, inasmuch as once a land has been acquired, the land is handed over to the concerned authority for further development. The exchange of the land between the authorities would not vest any fresh right in favour of the Petitioner, so long as the possession has been taken and compensation has been paid.

16. In view of the above, in the opinion of the Court, the present writ petition is bereft of any merit and is accordingly dismissed and disposed of.

17. Pending applications, if any, are also disposed of.

PRATHIBA M. SINGH, J.

AMIT SHARMA, J.

DECEMBER 18, 2024/sn/sc/ms