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

+ **W.P.(C) 6007/2018**

DHARM SINGH AND ORS.

..... Petitioners

Through: None.

versus

UNION OF INDIA AND ANR.

..... Respondents

Through: Mr. Sanjay Kumar Pathak, Standing Counsel with Mr. M.S Akhtar, Ms. Nidhi Thakur, Mr. Mayank Arora and Mr. Mayank, Advocates for R-1/L&B Ms. Manika Tripathy, Standing Counsel for DDA with Mr. Ashutosh Kaushik, Advocate

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

01.05.2024

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1. None appears on behalf of the petitioners.
2. The petitioner has filed the present petition claiming rights in respect of land measuring 07 bigha 10 biswas comprising in Khasra no. 1209/924 in Village Mandawali Faazalpur, Delhi. The petitioner claims that the said land was held by Shri Amira, Fakira and Zahariya who have since expired. The petitioner claims to be legal heir of Zahariya.
3. The notification under Section 4, Land Acquisition Act, 1894 (hereafter the *LA Act*) was published in respect of the certain land situated in the village Mandawalo, Fazalpur, Delhi including the subject land. The said notification was followed by a declaration and a notice under Section 6 and 17 of the *LA Act*, 1894.
4. The petitioner claims that neither the physical possession of the subject land was taken over nor the compensation was paid.



5. Respondent no. 1 has filed a counter-affidavit raising several objections and *inter alia* affirming as under:

“12. That as regards possession and compensation it is humbly submitted that as per possession proceeding report, possession of the land in question comprised in Khasra No. 1209/924(7-10) was taken on 03.03.1983. So far as compensation amount is concerned, it is humbly submitted total amount assessed for the land in question is Rs. 84,064.81. It is submitted that as per RD Register an amount of (1) Rs. 28,021.60 was paid to Sh. Bhagwat S/o Roomal on 10.08.1983 (2) Rs. 28,021.60 was paid to Sh. Lakhia S/o Roomal on 10.08.1983 (3) Rs. 7,005.40 was paid to Sh. Vijaypal S/o Ram Phool on 10.08.1983 (4) Rs. 7,005.41 was paid to Sh. Ravinder S/o Ram Phal on 14.05.1987. Balance amount deposited in RD.”

6. In view of the decision of the Supreme Court in ***Indore Development Authority v. Manoharlal, (2020) 8 SCC 129*** acquisition of the land would not lapse by virtue of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, if both the conditions– the possession of the land has not been taken over and compensation has not been paid – are not satisfied. In the present case, it is apparent from the counter-affidavit that the possession of the subject land was taken over. Although, the petitioner disputes the same, we find no ground to disbelieve the counter-affidavit affirmed on behalf of respondent no. 1.

7. In view of the above, the petition is dismissed. However, liberty is granted to the Petitioner to apply afresh in the event the Petitioner is able to establish to the contrary.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

MAY 01, 2024/g.josfi

[Click here to check corrigendum, if any](#)