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

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Date of Decision: 15.05.2024

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W.P.(C) 5887/2017

RAM KUMAR AND ORS

..... Petitioners

Through: None.

Versus

THE LT GOVERNOR OF DELHI AND ORS Respondents

Through: Ms.Manika Tripathy, Mr.Ashutosh Kaushik, Mr.Rony John, Mr.Naveen K Saraswat, Advocates for DDA.
Mr.Siddharth Panda, Advocate for LAC/L&B.
Mr.Parvinder Chauhan and
Ms.Aakriti Garg, Advocates for R4.

CORAM:**HON'BLE MR. JUSTICE VIBHU BAKHRU****HON'BLE MS. JUSTICE TARA VITASTA GANJU****VIBHU BAKHRU, J. (ORAL)**

1. None appears for the petitioners.
2. The petitioners have filed the present petition, *inter alia*, praying as under:-

“(i) Issue any appropriate writ or pass an order declaring that the land acquisition proceedings in respect of "Acquired Land" as detailed above in para No. 2 of this petition to have lapsed by virtue of section 24(2) of the new Act of 2013;

(ii) Issue writ in the nature of Mandamus or any other writ or pass any order or direction directing the Respondent Nos.1 to 6 to release the 'acquired land', as detailed in para No.2 of this Petition, from acquisition on lapse of the above mentioned acquisition proceedings under section 24(2) of the



new Act of 2013 and a formal declaration in this regard may be passed and also direct Respondents No. 1 to 4 that possession of acquired land be restored to the Petitioners; Or

(iii) In the alternative, it is prayed that if the Respondents No. 1 to 6 so choose to initiate the proceedings in respect of acquired land afresh in accordance with the provisions of the 'New Act' of 2013, issue a writ in the nature of Mandamus or pass any other order or direction directing the Respondents No.1 to 4 to acquire the land as detailed above in para No.2 of this petition and provide compensation in accordance with the provisions of the new Act of 2013 along with consequential rehabilitative benefits under the said Act to the Petitioners;”

3. The petitioners, *inter alia*, contend that the acquisition of the land comprising in Khasra No.249, measuring 1 Bigha and 12 biswas situated in the revenue estate of the Village Said-ul-Ajaib, New Delhi-110030 (hereafter *the subject land*) has lapsed by virtue of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereafter *the 2013 Act*).

4. It is not in dispute that the Land Acquisition Collector (LAC) has taken over the possession of the subject land. Para no.7 of the petition is set out below:

“7. That in pursuance of the award annexure passed by the Land Acquisition Collector, the competent authorities carried out necessary proceedings under LAA, 1984 for taking over the possession of the acquired land and took out actual physical possession of the acquired land on 17.07.1987 after publication of notification but



the compensation in respect of the acquired land has not been paid to the recorded owners/petitioners nor the same has been deposited in their accounts till date. Copy of proceedings of taking over of the actual physical possession of the land acquired has been annexed as “Annexure-V”.”

5. It is apparent that the petitioners claim that the acquisition of the subject land has since lapsed on the basis that the compensation for the acquisition of the subject land has not been paid. This issue is squarely covered by the Constitution Bench of the Supreme Court in *Indore Development Authority v. Manohar Lal & Ors.: (2020) 8 SCC 129*. It has been held that provisions of Section 24(2) of the 2013 Act would be applicable if both the conditions – possession has not been taken over and compensation has not been paid – are satisfied.

6. In the present case, there is a dispute as to whether the compensation has been paid. However, it is not necessary to examine the same since it is an admitted position that the subject land was taken over by the concerned authorities.

7. In this view of the matter, the petitioners’ prayer that the acquisition of the subject land be considered as lapsed by virtue of the Section 24(2) of the 2013 Act cannot be acceded to.



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8. The petition stands dismissed. It is clarified that this order would not preclude the petitioners from availing other remedies, if any, available in accordance with law.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

MAY 15, 2024

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Click here to check corrigendum, if any