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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 6643/2017

NAIN SINGH & ORS.

..... Petitioners

Through: **Ms. Moumita Mondal, Adv.**

versus

UNION OF INDIA & ORS.

..... Respondents

Through: **Mr. Siddharth Panda and Mr. P. Venketesh, Advs. for R-1 to 3.**

Mr. Yashraj Singh Deora, Mr. Priyesh Mohan Srivastava, Mr. Abhishek Singh and Ms. Sonal K. Chopra, Advs. for R-4.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

20.02.2024

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1. The petitioners have filed the present petition, *inter alia*, praying as under:

“a. Pass a writ, order or direction in the nature of writ of declaration, thereby declaring the acquisition proceedings initiated in respect of the land of the petitioners with respect to their land i.e. 2/3 joint share in Khasra no. 245/2 (0-16), 261(04-16), 263 (04-16), 268/2(02-06), 269/2(02-16), 288/1(02-09), 289(04-04), 291/1(01-00), 292(02-14), 293(04-16), 301(01-10), 311(04-4), 314(04-13) Total Measuring 40 Bighas 14 Biswas, situated in the revenue estate of village, Kotla Mahigram, Tehsil Mehrauli, Delhi, 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 issue order or direction quashing the impugned notification No. F.4(9)/64 L&FI Dated 06.04.64 issued under section 4, notification No. F.4(9)/1964/L&FI Dated 07.12.1966 issued under section 6 of the land acquisition act, 1894 and the Award No. 205/1986-87 of village kotla mahigram, Tehsil Mehrauli, Delhi.

b. Further pass a writ, order or direction in the nature of a writ of mandamus thereby directing the respondents not to interfere with the



peaceful possession and enjoyment of the land of the petitioners 2/3 joint share in Khasra no. 245/2 (0-16), 261(04-16), 263 (04-16), 268/2(02-06), 269/2(02-16), 288/1(02-09), 289(04-04), 291/1(01-00), 292(02-14), 293(04-16), 301(01-10), 311(04-4), 314(04-13) Total Measuring 40 Bighas 14 Biswas, situated in the revenue estate of village, Kotla Mahigram, Tehsil Mehrauli, Delhi; and”

2. It is the petitioners’ case that the possession of the subject lands was not taken over and therefore, the acquisition has lapsed. In the counter-affidavit filed on behalf of respondent nos. 1,2 and 3 (Land Acquisition Collector and Land & Building Department), it was affirmed that possession of the subject lands was taken over and was handed over to the beneficiary department. The said respondents have also set out various dates on which the possession was handed over.
3. The learned counsel appearing for the petitioners does not contest the same. She, however, submits that the entire compensation has not been received and the petitioners are entitled to compensation for acquisition of the subject lands.
4. The relief sought by the petitioners in the present petition was confined to challenging the acquisition proceedings. The challenge was mounted on the interpretation of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The Supreme Court has in ***Indore Development Authority v. Shailendra (deceased) through LRs and others*** clarified that the two conditions as set out in Section 24(2) are cumulative. Thus, an acquisition would lapse only if the compensation is not paid and the possession is not taken over. The issue raised in this petition is squarely covered by the said judgment.



5. The petition is accordingly disposed. It is, however, clarified that this would not preclude the petitioners from claiming compensation in accordance with law if the same has not been received by them.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

FEBRUARY 20, 2024/r

Click here to check corrigendum, if any