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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 22.04.2024

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W.P.(C) 9741/2017**RAGHBIR SINGH AND ORS**

..... Petitioners

Through: None.

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr. Sanjay Kumar Patha, Standing Counsel with Mr. Sunil Kumar Jha, Mr. M.S. Akhtar and Ms. Nidhi Thakur, Advs. for R-1 and 2.

Ms. Shobhana Takiar, Standing Counsel with Ms. Latika Malhotra and Mr. Kuljeet Singh, Advs. for DDA.

Ms. Firdouse Wani, ASC, Md. Zaryab J Rizvi and Mr. Raja Chaudhary, Advs, for DSIIDC.

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 had filed the present petition, inter alia, praying as under:

“a) issue of the writ, order or direction in the nature of certiorari declaring the land acquisition proceeding of the village Sultanpur Dabas vide Award Number 1/2008 - 09/DC (N - W) dated 25.04.2008 in respect of the petitioners land admeasuring 3 Bighas 15 Biswas and 10 Biswansi out of 11 Bighas and 12 Biswas land comprising out of 49 Bighas 2Biswas comprising in Khasra Nos. 65/25(4-16), 66/6(4-16), 13/2(4-1), 14/1(2-1), 67/9(4-16), 67/10(4-16), 65/6(4-16), 7(1-



19), 65/14(2-4), 15(4-16), 65/16(4-16), 17/6(2-9), 24(2-16) situated in the village Sultanpur Dabas null and void and inoperative; and/or

b) issue of the writ, order or direction in the nature mandamus directing the Respondent No. 1 to 3 to restore the land of the petitioners or in alternate, to provide the equivalent land of the present market value to the petitioners or to start the acquiring afresh and to make payment as per the current market rate as per the right to fair compensation and transparency in land Acquisition (Rehabilitation & Resettlement) Act, 2013;"

3. The present petition is premised on the basis that land of 3 Bighas 15 Biswas and 10 Biswansi (out of 11 Bighas and 12 Biswas) out of 49 Bighas 2 Biswas of the land comprising in Khasra Nos. 65/25(4-16), 66/6(4-16), 13/2(4-1), 14/1(2-1), 67/9(4-16), 67/10(4-16), 65/6(4-16), 7(1-19), 65/14(2-4), 15(4-16), 65/16(4-16), 17/6(2-9), 24(2-16) situated in the village Sultanpur Dabas, Delhi (hereafter '*subject land*') has lapsed by virtue of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition (Rehabilitation & Resettlement) Act, 2013 (hereafter '*the 2013 Act*'). The petitioners' case is premised on the basis that compensation in respect of the subject land has not been paid and, therefore, in terms of Section 24(2) of the 2013 Act, the acquisition has lapsed. However, the averments made in the petition clearly indicate that the possession of the subject land was taken over by the concerned authorities. The relevant extract of the petition is set out below:

"iii. That after acquisition, vide the award as above-mentioned, the physical possession of the said land was taken, however, till date the compensation has not been paid or tendered to the petitioners and has also not been deposited in the court till date."

4. The Supreme Court in the case of ***Indore Development Authority v. Manoharlal***, (2020) 8 SCC 129 had clarified that both conditions as set out in Section 24(2) of the 2013 Act, (that is, compensation has not been paid



and possession of the land has not been taken) are required to be satisfied for the land acquisition proceedings to lapse by the virtue of Section 24(2) of the 2013 Act. Admittedly, both the said conditions are not cumulatively satisfied in this case. In view of the above, the petitioner's claim that the acquisition of the subject land has lapsed by virtue of Section 24(2) of the 2013 Act is liable to be rejected. The declaration as sought for by the petitioner cannot be granted.

5. The petition is, accordingly, dismissed.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

APRIL 22, 2024/r

Click here to check corrigendum, if any