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

+ W.P.(C) 414/2018

INDER SINGH AND ORS.

.....Petitioners

Through: Mr. Anuroop & Mr. Gaurav Bidhuri,
Adv.

Versus

LAND ACQUISITION COLLECTOR

(SOUTH-EAST) AND ANR.

.....Respondents

Through: Mr. Rajneesh Sharma, Adv. for R-1.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **06.02.2025**

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

“It is, therefore, respectfully prayed YOUR LORDSHIPS may be pleased to issue writ / order / direction in the nature of CERTIORARI calling for the records of the acquisition proceedings in respect of the land; Khasra No. 208 min admeasuring 4 bighas 4 biswas situated in the revenue estate of village Jasola, Delhi acquired vide award no.3/2008-09 and further to pass appropriate writ, order or directions declaring the acquisition proceedings to have lapsed and have become inoperative under Section 24 (2) of the Right to Fair Compensation And Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 qua 1 bigha 08 biswas of Kh. No. 208 min situated in the revenue estate of Village Jasola, New Delhi as compensation for the said lands was neither tendered, offered or paid to the petitioners nor deposited in a court of Law for the above stated land.

AND further this Hon court may pass appropriate writ, order or directions to the Respondents to acquire the same afresh or in the alternate pay compensation to the petitioners as per market value of the lands along with statutory benefits as envisaged under the Land Acquisition Act 1894. Such other order or direction deemed



fit and proper may also be kindly passed.”

2. The learned counsel appearing for the petitioners fairly states that the principal prayer of the petitioners that the acquisition of the land (land measuring 1 Bigha, 8 Biswas forming part of land falling in Khasra No.208 Min situated in the revenue estate of village Jasola, New Delhi) (hereafter *the subject land*) has lapsed does not survive. He states that the petitioners thus confine the present petition to the alternate prayer of claiming compensation in respect of the subject land.

3. It is stated that a Notification under Section 4 of the Land Acquisition Act, 1984 (hereafter *the LA Act*) in respect of certain land including the subject land was issued on 10.08.2007. This was followed by a declaration dated 04.01.2008 under Section 6 of the LA Act. Thereafter, an award (Award No.3/2008-09) was published on 06.02.2009 in respect of certain land including the subject land. It is stated that the possession of the other lands that were covered under the award were taken over on 02.07.2010 and the compensation in respect of such lands were also paid. However, insofar as the subject land is concerned, neither the possession of the same was taken nor the compensation in respect of the same was paid. There is no dispute that the petitioner is entitled to compensation for acquisition of the subject land.

4. On 13.12.2024, the learned counsel appearing for respondent no.1 Land Acquisition Collector (South-East) (hereafter *LAC*) had sought time to obtain instructions as to whether the LAC wishes to take possession of the subject land and to compute the compensation payable in respect of the same.

5. The learned counsel appearing for the LAC states that he has no



instructions as to whether the LAC wishes to take possession of the subject land or to pay compensation in respect of the same. After having rendered an award, it is not open for respondent no.1/LAC to continue to maintain acquisition by neither taking possession not paying compensation to the land owner. It is to be noted that the petitioners are ready and willing to surrender possession of the subject land to respondent no.1/LAC.

6. Though, the respondents are at liberty to withdraw from the acquisition under Section 48 of the LA Act but it is not permissible for the respondents to simply maintain *status quo*.

7. In view of the above, we consider it apposite to dispose of the present petition by directing the respondents to take possession of the subject land and to pay compensation of the same within a period of two weeks from date or in the alternative to take steps for withdrawal from the acquisition under Section 48 of the LA Act.

VIBHU BAKHRU, J

AMIT MAHAJAN, J

FEBRUARY 06, 2025

‘gsr’

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