



\$~18

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

+ **W.P.(C) 2792/2016**

SANJAY BASISTHA & ORSPetitioners

Through: Mr. Rajesh Gupta, Adv.

Versus

UNION OF INDIARespondent

Through: Mr. S.K. Pathak, Adv.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

%

10.02.2025

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

“a) issue a writ of mandamus directing the respondent to pay to the petitioners the amount of compensation including all statutory benefits in respect of their acquired land pertaining to land bearing Khasra Nos.514/1 min (11-05), 514/1 min (5-00), 514/1 min (1-05), 514/1 min (10-00), 634 (4-04), 635 (00-07), 512 (0-08), 513 (1-09), 524 (9-00), 511 (6-09) etc. situated within the revenue estate of Kilokari, New Delhi, acquired vide Award No.14/1992-93;”

2. The petitioners claim that they are the legal heirs of the deceased Sohan Lal, Gian Chand and Om Prakash, who were the legal heirs of Late Sh. Mange Ram. They claim that they were in cultivatory possession of land situated in village Kilokari bearing Khasra No. Nos.514/1 min (11-05), 514/1 min (5-00), 514/1 min (1-05), 514/1 min (10-00), 634 (4-04), 635 (00-07), 512 (0-08), 513 (1-09), 524 (9-00), 511 (6-09) [hereafter *the subject land*].

3. The subject land was included as part of the land which was subject matter of Notification dated 23.06.1989 issued under Section 4 of the Land



Acquisition Act, 1984 (hereafter *the LA Act*). The said Notification was followed by a Declaration dated 22.06.1990 issued under Section 6 of the LA Act as well as the notice under Section 17 of the LA Act. Thereafter, notices under Sections 9 and 10 of the LA Act were issued to all interested persons inviting claims and an award dated 19.06.1992 being Award No.14/92-93 was delivered.

4. The Award dated 19.06.1992 reflects the deceased Sohan Lal, Gian Chand and Om Prakash as claimants in respect of certain land which is reflected at serial nos.53,54,55 & 153 of the award. It is the petitioners' case that their representations for disbursement of compensation have been ignored by the Land Acquisition Collector (LAC).

5. The respondent, LAC, has filed the counter affidavit, *inter alia*, stating that part of the subject land was *Shaamlat Deh* and compensation for the same has been sent to the Reference Court on 21.03.1995 and 06.08.2009. Additionally, it is stated that certain land is reflected in the name of the Central Government and compensation for the same was also paid on 20.08.1998. It is further submitted that some of the land is in the name of private owners having different shares, and compensation for the same was also paid in the year 1994. However, no details have been provided, whether any compensation has been made to the predecessor-in-interest of the petitioners. If no compensation has been paid to them as is claimed by the petitioners, they would be entitled to the same, subject to their establishing that they are the sole legal heirs of their predecessor-in-interest (Sohan Lal, Gian Chand and Om Prakash).

6. Mr. Pathak, the learned counsel appearing for LAC submits that although the petitioners may be entitled to compensation but they are not



entitled to any interest till the year 2015 as petitioners had made their claims for the first time sometime in the year 2015 and not prior thereto.

7. We do not consider it apposite to enter into this controversy. Clearly, the respondent LAC has an obligation to disburse the compensation in accordance with law. Accordingly, we direct the respondent LAC to take immediate steps for disbursal of the compensation along with all statutory benefits to which the petitioners may be entitled to, in respect of acquisition of the subject land after due verification.

8. We clarify that this will be subject to the petitioners establishing that they are the legal heirs of Sohan Lal, Gian Chand and Om Prakash whose names are reflected in the award as claimants. We further clarify that compensation will be paid only in respect of the land which is accepted by the LAC as belonging to the said persons based on the relevant revenue records.

9. The petition is disposed of in the aforesaid terms.

VIBHU BAKHRU, J

ANOOP KUMAR MENDIRATTA, J

FEBRUARY 10, 2025

‘gsr’

Click here to check corrigendum, if any