
(2018) 02 DEL CK 0650

In the Delhi High Court

Case No : Civil Writ Petition No. 2657 Of 2017

Azad Singh And Ors

APPELLANT

Vs

Union Of India & Anr

RESPONDENT

Date of Decision : 27-02-2018

Acts Referred:

Constitution Of India, 1950 — Article 226
Right To Fair Compensation And Transparency In Land Acquisition, Rehabilitation And Resettlement Act, 2013 — Section 24, 24(2)
Land Acquisition Act, 1894 — Section 4, 6

Citation : (2018) 02 DEL CK 0650

Hon'ble Judges : G.S.Sistani, J; Sangita Dhingra Sehgal, J

Bench : Division Bench

Advocate : Bhagwat Pershad Gupta, Yeeshu Jain, Jyoti Tyagi

Final Decision : Disposed Of

Judgement

Sangita Dhingra Sehgal, J

1. With the consent of the parties, the present writ petition is set down for final hearing and disposal.

2. This is a petition under Article 226 of Constitution of India filed by the petitioners seeking a declaration that the acquisition proceedings with respect

to their 2/3rd share in land bearing Khasra No.'s 118 (2-01), 123 (4-8), 134 (3-10), total measuring 09 Bigha 19 Biswas, situated in the revenue estate

of village Behlolpur, New Delhi (hereinafter referred as the 'subject land') stand lapsed in view of Section 24(2) of the Right to Fair Compensation and

Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as '2013 Act') as no compensation has been paid

to the petitioners or to the forefathers.

3. In this case, a notification under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as 'Act') was issued on 23.06.1989 and a

declaration under Section 6 was made on 22.06.1990. Thereafter, an award bearing no.15/1992-93 was passed on 19.06.1992.

4. Mr. Bhagwat Pershad Gupta, learned counsel for the petitioners submits that the physical possession of the land was taken on 21.04.2006 however

as no compensation in respect thereof has been paid, thus the petitioners would be entitled to a declaration under Section 24 (2) of the 2013 Act.

5. Counsel for the petitioners has drawn the attention of the Court to the counter affidavit filed by LAC wherein it has been categorically stated that

as per Statement-A and Naksha Muntazamin, the compensation has not been paid.

6. Mr. Yeeshu Jain, counsel for the LAC submits that actual vacant physical possession of the subject land was taken on 21.04.2006 and handed over

to DDA, however there is no entry in Statement-A and Naksha Muntazamin which reflects that the compensation has been paid. Relevant portion of

the counter affidavit filed by LAC reads as under:-

4. That it is submitted that the lands of village Behlolpur Khadar were notified vide Notification under section 4 of the Land Acquisition Act

1894 dated 23.6.1989 which was followed by Notification under section 6 of the said Act vide Notification dated 22.6.1990. That it is

submitted that the Land Acquisition Collector also passed an Award No.15/92-93. The actual vacant physical possession of the subject land

falling in subject khasra numbers was duly taken on 21.4.2006 and handed over to DDA on the spot by preparing possession proceedings,

stated supra which fact is being admitted by petitioners at page 10 para 7. However as per statement 'A' and Naksha Muntazamin, the

compensation appears to be unpaid.

7. We have heard learned counsel for the parties. Taking into consideration the submissions made and the categorical assertion made in the counter

affidavit filed by LAC that the compensation has not been paid and since the award has been announced more than five years prior to the

commencement of the 2013 Act, the petitioners are entitled to a declaration that the acquisition proceedings initiated under the Land Acquisition Act,

1894 with regard to their 2/3rd share of the subject land are deemed to have

lapsed. It is ordered accordingly.

8. The writ petition stands disposed of.