
(2018) 09 DEL CK 0213

In the Delhi High Court

Case No : Civil Writ Petition No.9639 Of 2015

Jagwant Singh & Ors

APPELLANT

Vs

Union Of India & Anr

RESPONDENT

Date of Decision : 13-09-2018

Acts Referred:

Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 — Section 24(2)
Land Acquisition Act, 1894 — Section 4, 6

Citation : (2018) 09 DEL CK 0213

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

Bench : Division Bench

Final Decision : Dismissed

Judgement

G.S.SISTANI, J. (ORAL)

1. This is a petition filed under Article 226 of the Constitution of India by the petitioners. The petitioners seek a declaration that the acquisition

proceedings pertaining to the land of the petitioners comprised in Khasra nos.1013(4-01), 1014(3-16), 1015(5-04), 1016(204), 1017(2-10), 1018(4-16)

and 1019(4-10) measuring 27 bigha 01 biswas, situated in the revenue estate of village Satbari, Tehsil Hauz Khas, Mehrauli, South District, New Delhi

(hereinafter referred to as "the subject land") are deemed to have 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 the "2013 Act"), as neither the physical

possession of the subject land has been taken nor the compensation has been tendered.

2. The necessary facts required to be noticed for the disposal of the present

petition are that a notification under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the Act") was issued on 25.11.1980, a Section 6 declaration was made on 27.05.1985 and thereafter, an Award bearing no.14/1987-88 was rendered on 26.05.1987. Â

3. While it is the stand of the petitioners that neither the physical possession of the subject land has been taken nor the compensation has been

tendered, whereas reading of the additional counter affidavit filed on 08.03.2018 by the LAC shows that the compensation has been tendered and

physical possession taken. Para 4 of the additional counter affidavit filed on 08.03.2018 by the LAC, reads as under:

4. That in the present case the possession of the land falling in Khasra No.1017min(1-0) was taken on 30.09.1987 while possession of other lands

in question was taken on 14.07.1987, and as per the NakshaMuntazim and Statement "A" of the Award No.14/87-88 village Satbari the

payment of compensation was made to the recorded owner as under:

4. The counter affidavit has been filed by the DDA. Para 5(iii) of the counter affidavit filed by the DDA, reads as under:

5(iii) An amount of Rs.100 Crores(Rupees hundred crores only) was remitted by Central Govt. to L&B Department on account of Compensation

of 13 South Delhi Villages included Village Satbari. The land in question in the present Writ Petition is, inter alia, part of acquisition of a large tract of

land in Delhi required for planned development of Delhi for which, inter alia, the Notifications/Declarations under the 1894 Act were issued.Â

5. We have heard the learned counsels for the parties. Having regard to the details mentioned in para 4 of the additional counter affidavit filed by the

LAC wherein the details of the amounts, cheque numbers and dates have been given and also a categorical stand taken by the LAC that the physical

possession of the subject land has been taken, which is also supported by the counter affidavit filed by the DDA, we find no merits in the writ petition.

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6. The writ petition is accordingly dismissed. No costs.