

(2018) 09 DEL CK 0403

In the Delhi High Court

Case No : Civil Writ Petitions No. 8253 Of 2016

Phool Wati Gupta & Ors

APPELLANT

Vs

Union Of India & Ors

RESPONDENT

Date of Decision : 26-09-2018

Acts Referred:

Constitution of India, 1950 — Article 226
Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 — Section 24(2)
Land Acquisition Act, 1894 — Section 4, 6

Citation : (2018) 09 DEL CK 0403

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

Bench : Division Bench

Advocate : S.K. Rout, Aman Mehrotra, Siddharth Panda, Nikhil Rohatgi, Shashank Khurana

Final Decision : Disposed Off

Judgement

Item

No.", "Name of

recorded

owner", "Khasra No. &

Area Bigha Biswa", "Compensatio

n assessed in

Rs.", "Possession

has been

taken over", "Possession

has not

been taken
over",Remarks
2,"Sh. Tote
s/o Sukh
Ram $\frac{1}{2}$
share","54 (2-5), 59 (0-12),
60 (0-12), 241 (2-
11), 242 (3-18),
293/190 (1-7) &
294/190 (1-7) with
other khasra nos.",24482.88/-,"Khasra Nos.
54 (1-5), 59
(0-6), 60(0-5)
241 (2-11),
242 (3-18),
taken on
09/07/71 &
25/12/71","Khasra nos.
54 (1-0), 59
(0-6), 60
(0-7), not
taken","As per RD Register
No entry made for
payment.
3,"Sh.
Chhote s/o
Sukh Ram
 $\frac{1}{2}$ share",Do,24482.89/-,Do,-,"As per RD Register
No entry made for
payment.

26,"Sh. Baderi
s/o shera","6 (3-0) & 7 (3-0)
with other khasra
nos.",17514.32/-,"Taken on
20/08/70",-,"1. As per RD
Register Amount Rs.
4273.21 paid to Sh.
Ram Dass s/o Shera
on 23-01-82.
2. As per RD
Register Amount Rs.
4273.21 paid to sh.
Bhola s/o Shera on
11/02/82.
3. As per RD
Register Amount Rs.
8546.42 paid to sh.
Bhola s/o Shera on
11/02/82.
4. As per RD
Register Amount Rs.
708.18 paid to sh.
Indarpal Jain s/o shri
Niwas jain on
27,"Sh. Bhola
s/o shera",Do,17514.32/-,Do,-,
28,"Sh. Ram
Das s/o
Shera",Do,17514.33/-,Do,,
,,,,,"5. As per RD

Register Amount Rs.

3186.81 paid to sh.

Ram Dass s/o Shera

on 09/11/79.

6. As per RD

Register Amount Rs.

4651.43 paid to sh.

Ram Dass s/o Shera

on 15/05/80.

54,"Sh. Ram

Chander

S/o Singh

Ram","58 (0-5), 204 (1-4),

244 (0-15), 246 (2-

2) & 247 (2-2)

with other khasra

nos.,"91,256.45/-

with other

khasra nos.,"58 (0-4), 204

(1-4), 244 (0-

15) & 247 (2-

2) taken

25/11/71 &

01/06/77","58 (0-14)

not taken","As per RD Register:-

1. Rs. 4,352.09/- paid

to Smt. Hemlata

Jain on 19.03.76

2. Rs. 198.99 paid to

Sh. Om Prakash

Gupta on 25.01.84

3.Â Â Rs. 198.99 paid to

Smt. Bhagwati

Devi on 12.12.86

4.Â Â Rs. 198.99 paid to

Smt. Kala Devi on

19.12.86

5.Â Â Rs. 198.99 paid to

Sh. Chander Ram

on 20.04.89

6. Rs. 7,561.62 Sent

to ADJ Delhi 30-

31 on 01.08.90

7. Rs. 4,352.09 paid

to Smt. Satyawati

on 03.04.91

55,"Sh.

Rewati s/o

Diwan","236/2/2 (6-16)

with other khasra

nos.",14038.02/-,"236/2/2 (4-3)

taken","236/2/2

(2-13) not

takenS","As per RD Register

No entry made for

payment.

56,"Sh.

Balwan

singh s/o

Diwan",Do,14038.02/-,Do,-,"As per RD Register

No entry made for
payment.

57,"Sh.

Chandar

Bhan s/o",Do,9358.68/-,Do,-,"As per RD Register

No entry made for
,Richhapal,,,,,payment.

58,"Sh.

Umrao s/o

Richhpal",Do,9358.68/-,Do,-,"As per RD Register

No entry made for
payment.

59,"Sh. Ram

Saran s/o

Richhpal",Do,9358.68/-,Do,-,"As per RD Register

No entry made for
payment.

60,"Sh.

Mangat

s/o Ram

Lal",Do,56152.07/-,Do,-,"As per RD Register

No entry made for
payment.

112,"Sh. Trilok

Chand s/o

Har sahai", "239 (1-19) & 240

(2-17) with other

khasra Nos.",21276.90/-,"239 (1-19)

taken", "240 (2-17)

not taken", "As per RD Register

Amount Rs. 8980.51

paid to Sh. Trilok

Chand on 20/05/78.

â??Khasra Nos. 54(1-0), 57(0-5), 58(0-04), 59(0-6), 60(0-5), 240(2-17), 241(2-11), 242(3-18), 293/190(1-3), 294/190(1-7)â??" ,,,,,,

7. He further submits that as far as the land falling in khasra No. 236/2/2 measuring 6 bighas 16 biswas is concerned, a separate writ petition is to be" ,,,,,,

filed as the present award is not with respect to the aforesaid area. The details of the above khasra numbers have been jointly provided by the ,,,,,,

counsels from the extracted part of the counter affidavit which has been filed. According to the counter affidavit filed, from the aforesaid khasra" ,,,,,,

numbers it is clear that neither compensation has been paid for some khasra numbers nor physical possession has been taken for some khasra ,,,,,,

numbers. ,,,,,,

8. Resultantly, the writ petition is allowed in part. The acquisition proceedings pertaining to the Khasra Nos. 54(1-0), 57(0-5), 58(0-04), 59(0-6), 60(0-" ,,,,,,

5), 240(2-17), 241(2-11), 242(3-18), 293/190(1-3), 294/190(1-7) admeasuring 14 bighas are deemed to have lapsed. Leave as prayed is granted to the" ,,,,,,

petitioners to take recourse to such remedy as available in accordance with law pertaining to khasra No. 236/2/2 measuring 6 bigha 16 biswas out of ,,,,,,

which possession of 4 bighas 3 biswas has already been taken. The petitioners are only praying for grant of compensation. Compensation would be ,,,,,,

released within a period of one year. ,,,,,,

9. The writ petition is disposed of in the above terms. ,,,,,,