

(2018) 02 DEL CK 0444

In the Delhi High Court

Case No : Civil Writ Petition No. 8135 Of 2016

Satvir & Ors

APPELLANT

Vs

Land Acquisition Collector

RESPONDENT

Date of Decision : 19-02-2018

Acts Referred:

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

Citation : (2018) 02 DEL CK 0444

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

Bench : Division Bench

Advocate : Bhagwat Parshad Gupta, Priyanshu Aggarwal, Yeeshu Jain, Jyoti Tyagi, Satish Kumar, Snehlata Mall

Final Decision : Disposed Of

Judgement

G.S.Sistani, J

1. This is a petition under Article 226 of the Constitution of India filed by the petitioner seeking a declaration that the acquisition proceedings pertaining

to land of the petitioner comprised in Khasra Nos. 175/136 (1-04), 34 (0-08), 174/136 (1-04), total admeasuring 02 Bigha 16 Biswas in the revenue

State of Village Behlopur, Delhi (hereinafter referred to as "Subject land") is deemed to have been 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 compensation has not been paid to the petitioners.

2. In this case, a Notification under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the Act") was issued on 23.06.1989,

a declaration under Section 6 of the Act was issued on 22.06.1990 and an Award bearing No.15/1992-93 was passed on 19.06.1992.

3. Counter affidavit has been filed by LAC. As per para 4 of the counter affidavit, compensation has not been paid to the recorded owners based on

the statement 'A' and Naksha Mutzamim.

4. We have heard learned counsel for the parties.

5. Para 4 of the counter affidavit reads as under:

'4. That it is submitted that lands of village Behlopur Khadar were notified vide Notification under Section 4 of the Land Acquisition Act,

1894 dated 23.06.1989 which was followed by Notification under Section 6 of the said Act vide Notification dated 22.06.1990. 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 21.04.2006 and handed over to the DDA on the spot by preparing possession

proceedings, stated supra on the spot except for land measuring 2 Biswa in Khasra number 34. However, as per statement 'A' and

naksha Muntazamin, the compensation appears to be unpaid.'

6. Reading of the counter affidavit would show that the compensation has not been paid to the recorded owner. Resultantly, it is declared that the

acquisition proceedings pertaining to land of the petitioners is deemed to have lapsed in view of Section 24 (2) of 2013 Act . We accept the

undertaking given by the petitioners that they have not received the compensation and they shall remain bound by the same. Should it be proved

otherwise, it could amount to making a false statement to the Court.

7. Since, the award having been announced more than five years prior to the commencement of the 2013 Act, the petitioners are entitled to

declaration that the acquisition proceedings in respect of the subject land are deemed to have lapsed. It is ordered accordingly.

8. The writ petition stands disposed of.