

(2006) 04 DEL CK 0154

In the Delhi High Court

Case No : Writ Petition No"s. 21929-30 of 2005

Smt. Asha Rani Sharma and Another

APPELLANT

Vs

Land Acquisition Collector (SW)

RESPONDENT

Date of Decision : 27-04-2006

Acts Referred:

Land Acquisition Act, 1894 — Section 30, 31, 4, 6

Citation : (2006) 04 DEL CK 0154

Hon'ble Judges : Swatanter Kumar, J;S.L. Bhayana, J

Bench : Division Bench

Advocate : J.P.Mishra, B.S. Mann and Rajesh Dagar, for the Appellant; Sanjay Poddar, for the Respondent

Final Decision : Disposed Off

Judgement

Swatanter Kumar, J.—In this petition under Article 226 of the Constitution of India, the petitioners pray for issuance of direction to the respondent to pay compensation for the lands belonging to them, which have been acquired vide notification issued by the Government u/s 4 of the Land Acquisition Act (hereinafter referred to as the Act) on 7th December, 2000. In furtherance to this notification, declaration u/s 6 was issued on 30th April, 2001, which matured into award No. 1/2003-2004 dated 29th April, 2003. It is further prayed that the petition filed by the petitioners u/s 30 and 31 of the Act be referred to the Court of Additional District Judge, Delhi in accordance with law.

2. In view of the stand taken by the respondent it is not necessary for us to go into detailed facts or controversies arising in the present case. Suffices it to note that the petitioners claim to be owners of plot measuring about 150 sq. yds. Comprising in Khasra No. 116/19 Mahavir Enclave, New Delhi. This property was given a specific number being House No. C-412. The petitioners constructed a house on the said piece of land. Petitioner No. 2 had purchased the other adjacent area of 150 sq. yards, which was numbered as C-412A and they constructed a house thereupon. As already noticed, a notification u/s 4 was

issued and the property was acquired for the purpose of widening the road. A survey was conducted after issuance of the notification and officials of the survey team visited the site and prepared the list of owners, whose property was to be acquired for this purpose. After acquisition, award was pronounced but compensation was not paid to the petitioners. After great persuasion, petitioner Nos. 1 and 2 were paid only for superstructure a sum of Rs. 28,700/- in favor of petitioner No. 1 and Rs. 1,14,900/- in favor of petitioner No. 2. Thereafter, the petitioners came to know that their claims were treated as disputed claim and they filed applications somewhere on 22nd March, 2005 u/s 30 and 31 of the Land Acquisition Act. The other persons of the locality had received summons from the Court of Additional District Judge but the petitioners did not receive any such summons and they came to know that their petition under Sections 30 and 31 was not forwarded.

3. Counsel appearing for the respondent stated that respondent has filed counter affidavit wherein it is stated that some compensation has been paid to the petitioners. Since the petitioners were not recorded as owners of the land for these properties and as such the remaining compensation was not paid and their objections u/s 30 and 31 had already been referred by the respondent to the Court of learned Additional District Judge, Delhi. It is also submitted on behalf of the respondent that if such reference was not made, the same may be made within one month from today. In view of the stand taken by the respondent we dispose of this writ petition with a direction to the respondent to provide particulars to the petitioners within one month from today if the petition filed by them u/s 30 and 31 of the Act in November, 2003 has already referred to the Court of Additional District Judge, Delhi. In the event, this has not been done, the reference shall now be made within the said period positively and the petitioners would be informed by the respondent of making of such reference without fail.

4. WP (C) No. 21929-30/2005 is accordingly disposed of while in the facts of the case, the parties are left to bear their own costs.