

Devender Singh vs Govt Of Nct Of Delhi And Ors on 21 March, 2018

Author: G.S.Sistani

Bench: G.S.Sistani, Sangita Dhingra Sehgal

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 2660/2017
DEVENDER SINGH

..... Petitioner

Through: None.

versus

GOVT OF NCT OF DELHI AND ORS. Respondents

Through: Mr.Yeeshu Jain and Ms.Jyoti Tyagi,

Advts. for LAC/L&B.

Ms.Ruhi Chopra, adv. for DDA.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% 21.03.2018

1. This is a petition under Article 226 of the Constitution of India filed by the petitioner. The petitioner seeks a declaration that the acquisition proceedings with respect to land of the petitioner measuring 3 bighas 16 biswas comprised in old Khasra No.1295 (3-16) and new Khasra No.692 (3-16), situated in the revenue estate of village Mehrauli, New Delhi is deemed to have lapsed in view of the provisions of Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2. In this case a notification under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as „the Act) was issued on 23.01.1965. A Section 6 declaration was made on 07.12.1966 and thereafter an Award bearing no.80E/1970-71 (Suppl.) was rendered on 09.01.1981.

3. It is the case of the petitioner in the writ petition that the compensation has not been paid to the predecessor-in-interest of the petitioner or his legal heirs although the possession of the land was taken by the authorities in the year 1981.

4. Counter affidavit has been filed both by the DDA as also by the LAC. As per the counter affidavit filed by the DDA, physical possession of the land in question was taken on 23.09.1981 and the same was handed over to the DDA on 19.11.1981. Copies of the possession proceedings have been placed

on record. As per para 4 of the counter affidavit of the LAC, which is reproduced below, the recorded owner was paid compensation vide RV dated 17.02.1983:

"4. That the present writ petition is liable to be dismissed as the petitioner has claimed the relief for entire khasra number 1295 (3-16) on the pretext that the share was undivided whereas the pleadings reflects that the petitioner is one of the grandson of the recorded owner namely Chunni Lal. The present writ petition is liable to be dismissed as the petitioner has admitted that the possession of the said land was taken by the Government but no compensation was paid to his grandfather which is highly misplaced and incorrect statement. The recorded owner was duly paid the compensation vide RV dated 17.2.1983 as the possession of the subject land was taken on 23.09.1981."

5. In view of the stand taken by the LAC in the counter affidavit, we find no merit in the writ petition. Additionally, as none has chosen to appear on behalf of the petitioner, the writ petition is dismissed for non-appearance and non- prosecution.

G.S.SISTANI, J SANGITA DHINGRA SEHGAL, J MARCH 21, 2018 rb /