

Thakur Singh And Ors vs Land Acquisition Collector And Ors on 5 July, 2021

Author: Rajiv Sahai Endlaw

Bench: Rajiv Sahai Endlaw, Amit Bansal

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ W.P.(C) 6104/2021
THAKUR SINGH AND ORS. Petitioners
Through: Mr. Azhar Alam, Advocate.

versus

LAND ACQUISITION COLLECTOR AND ORS. Respondents
Through: Mr. Yeeshu Jain with Ms. Jyoti Tyagi. Advocates for R-1.
Mr. Arun Birbal, Advocate for R-2.
Ms. Padma Priya with Ms. Shreya Sethi, Advocates for R-4.
Mr. R.V. Sinha, CGSC with Mr. Amit Singh, GP and Mr. A.S. Singh, Advocate for R-5

CORAM:
HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW
HON'BLE MR. JUSTICE AMIT BANSAL
ORDER

% 05.07.2021
[VIA VIDEO CONFERENCING]

C.M. No. 19359/2021 (for exemption)

1. Allowed, subject to just exceptions and as per extant rules.
2. The application is disposed of.

W.P.(C) 6104/2021 & C.M. No. 19358/2021 (for stay)

3. The 29 petitioners, claiming to be residents of the unauthorised colony in the Revenue Estate of Village Roshanpura, Shyam Vihar, Delhi and land whereunder bearing Khasra Nos. 637, 638, 635, 636, 631, 631/2, 623, 632, 625, 628, 629, 628/2, 633, 624 & 625 was acquired vide Notifications dated 7th April, 2006 and 4th April, 2007 under Sections 4 and 6 respectively of the Land Acquisition Act, 1894 and award with respect whereto was made on 14th November, 2008, have

filed this writ petition seeking declaration that the acquisition, under the provision of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, lapsed on 1st January, 2014.

4. It is case of the petitioners in the petition itself, that the petitioners are purchasers of plots of land in the unauthorised colony developed over the subject land.

5. The petitioners having not claimed to be the recorded owners of the land at the time of the issuance of the notifications aforesaid for acquisition of the land, we have enquired from the counsel for the petitioners, the right if any, of the petitioners to seek the declaration of lapsing of acquisition. Mention in this regard may also be made of the document filed as annexure P-9 to the petition, being the public notice issued of making of the award dated 25th September, 2020 and in which it is mentioned that the compensation had been deposited and the recorded owners could collect the same.

6. The counsel for the petitioners however contends that the petitioners have been residing over the subject land, possession of which has not been taken and compensation with respect to which has not been paid to the petitioners. However on enquiry, whether any claims for withdrawal of compensation deposited have been made, no answer is forthcoming. It is however argued that the land in possession of the petitioners is not even required. Attention is also drawn to annexure P-10 to the petition, being a copy of the order dated 23rd June, 2021 of the Vacation Bench in W.P.(C) 6000/2021 titled Ram Dhrubh alias Ram Dhruv Vs. Land Acquisition Collector, whereby notice of the petition claiming similar relief was issued and status quo directed to be maintained.

7. The counsel for the respondent no.4 National Highways Authority of India (NHAI) appearing on advance notice contends that the acquisition was two-fold, one by the respondent no.1 Land Acquisition Collector for the requirement of respondent no.2 Delhi Development Authority (DDA) and the other by the respondent no.4 NHAI. It is further stated that the land acquired by the respondent no.4 NHAI belonged only to the Gram Sabha and not to any private party.

8. The counsel for the respondent no.1 Land Acquisition Collector has also contented that the compensation was deposited as far back in the year 2013 and the petitioners are not the recorded owners of the land and are encroachers over the land. It is further stated that though the land was acquired for the respondent no.2 DDA but on account of the requirement of the respondent no.4 NHAI, has been placed at the disposal of the respondent no.4 NHAI for a highway. Both the counsels for the respondent no.1 Land Acquisition Collector and the respondent no.4 NHAI controvert that the land is not required for the works of the highway already underway.

9. As far as the reliance placed by the counsel for the petitioners on the order dated 23rd June, 2021 of the Vacation Bench, issuing notice of W.P.(C) 6000/2021 titled Ram Dhrubh alias Ram Dhruv Vs. Land Acquisition Collector and which is listed next on 22nd July, 2021, is concerned, need is not felt to keep this petition pending or to take up the same along with W.P.(C) 6000/2021. On the basis of the pleadings of the parties and the documents filed, the petitioners are not found to have any right to seek the relief of lapsing of the acquisition or to remain in possession of the acquired public land

required for public purpose. Rather, the petitioners, by illegally encroaching over the land and by filing proceedings as the present, are coming in the way of public works/projects and a handful of citizens and cannot stall a public project meant for citizenry in general. We are thus not inclined to take up this petition along with W.P.(C) 6000/2021 on 22nd July, 2021. We may mention, that the counsel for the petitioners herein is also the counsel for the petitioners in W.P.(C) 6000/2021.

10. The counsel for the respondent no.1 Land Acquisition Collector has forwarded to us, orders, dated 20th March, 2019 in W.P.(C) 11543/2018 titled Parvesh Pandit A.K.A Ram Parvesh Vs. Union of India and other connected petitions, and dated 7th May, 2019 in W.P.(C) 7554/2018 titled Maya Devi Vs. Union of India, W.P.(C) 7578/2018 titled Chandra Wati Devi Vs. Union of India, and W.P.(C) 7567/2018 titled Rana Pratap Singh Vs. Union of India, dismissing similar petitions.

11. No merit is found in the petition. Dismissed.

RAJIV SAHAI ENDLAW, J AMIT BANSAL, J JULY 5, 2021 sr