

Prem Singh & Anr vs.union of India & Ors

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Court : Delhi

Decided On : Dec-05-2017

Appellant : Prem Singh & Anr

Respondent : Union of India & Ors

Judgement :

§~24 * % IN THE HIGH COURT OF DELHI AT NEW DELHI Date of decision:

5. h December, 2017 + W.P.(C) 3304/2016 PREM SINGH & ANR Through: Mr. Shoaib Haider, Mr. Tanveer Zaki,

... Petitioner

s versus UNION OF INDIA & ORS Mr. Navjot Kumar and Ms. Kulsum Haider, Adv.

... RESPONDENTS

Through: Ms. Poonam Kalia, SCGC for R1. Mr. Yeeshu Jain, Standing Counsel with Ms. Jyoti Tyagi, Adv. for L&B/LAC. Mr. Nikhil Goel and Mr. Ashutosh Ghade, Adv. for DDA. CORAM: HON'BLE MR. JUSTICE G.S.SISTANI HON'BLE MR. JUSTICE V. KAMESWAR RAO G.S.SISTANI, J (ORAL) 1. By the present petition, filed under Article 226 of the Constitution of India, petitioners seek a declaration that the acquisition proceedings with respect to the land of the petitioners being 404 Sq. Yds., 101 Sq. Yds. and 200 Sq. Yds. comprised in Khasra No.554/214 measuring 2 bighas and 12 biswas situated in the revenue estate of Village-

Jasola, New Delhi (hereinafter referred to as subject land) are deemed to have lapsed in view of Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (New Act), as W.P.(C) No.3304/2016 Page 1 of 4 neither possession of the subject land has been taken nor compensation has been paid. In this case, notification under Section 4 of the Land Acquisition Act, 1894 was issued on 6th April, 1964, Section 6 notification was issued on 7th December, 1966 and Award bearing No.6D/SUPP/86-87 was made on 19th September, 1986. Counsel for the petitioner placed reliance on Paras 14 to 20 of the decision rendered by the Supreme Court of India in the case of Pune Municipal Corporation & Anr. V. Harak Chand Misiri Mal Solanki & Ors. (2014) 3 SCC183 and decisions rendered by this Court from time to time in support of his submissions. Counsel for the petitioners has also drawn the attention of the Court to the counter-affidavit filed by the respondent / LAC, more particularly, Para 6 which reads as under:-

"That as per the Naksha Muntazmin / Statement A, the answering Respondent submits that the compensation not paid of Khasra No.554/214 (2-04) and compensation paid of Khasra No.492/234 (3-9) Name of the land owners Amount
Cheque No.Date Maan Singh S/o. Bansi 55111.43 535844 29.01.2004 per As
Statement A / Shumar No.52 and 53 Prem Singh 48222.50 535845 S/o. Bansi
Aman Singh 48222.50 535846 S/o. Bansi Maan Singh 4299331.68 839302 S/o.
Bansi W.P.(C) No.3304/2016 Page 2 of 4 Prem Singh 3798778.32 839303 S/o.
Bansi Aman Singh 3798778.32 839304 S/o. Bansi 2. Counsel for the petitioner
has also drawn the attention of the Court to a judgment passed by another
Division Bench of this Court in W.P.(C) 8196/2015 titled as Aman Singh v. Union
of India and Ors. to show that acquisition proceedings with respect to 845 Sq. Yds.
of land in the same village, i.e., Jasola and same Khasra Number already stands
lapsed.

3. We have heard the learned counsel for the parties and considered their rival submissions. Having regard to the clear stand taken by the LAC that compensation has not been tendered to the petitioner, the case of the petitioner fully covered by the decision rendered by the Supreme Court of India in the case of Pune Municipal Corporation & Anr.(supra).

4. For the reasons aforesaid, we are of the considered view that the necessary ingredients for the application of Section 24(2) of the New Act as has been interpreted by the Supreme Court of India and this Court in the following cases stand satisfied: (1) Pune Municipal Corporation & Anr. v. Harakchand Misirimal Solanki & ors., reported at 2014 3 SCC183 (2) Union of India and Ors v. Shiv Raj and Ors., reported at (2014) 6 SCC564 (3) Sree Balaji Nagar Residential Association v. State of Tamil Nadu and Ors, Civil Appeal no.8700/2013 decided on 10.09.2014; (4) Surender Singh v. Union of W.P.(C).2294/2014 decided on 12.09.2014 by this Court; and India & Others, W.P.(C) No.3304/2016 Page 3 of 4 (5) Girish Chhabra v. Lt. Governor of Delhi and Ors; W.P.(C).2759/2014 decided on 12.09.2014 by this Court.

5. In view of the discussion above, the petitioners are entitled to a declaration that the acquisition proceedings with respect to subject land are deemed to have lapsed. It is so declared.

6. Accordingly, the petition stands disposed of. G.S.SISTANI, J V. KAMESWAR RAO, J DECEMBER05 2017/jg W.P.(C) No.3304/2016 Page 4 of 4

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