

Ajay Kumar vs.land Acquisition Collector & Ors.

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Court : Delhi

Decided On : Jan-30-2018

Appellant : Ajay Kumar

Respondent : Land Acquisition Collector & Ors.

Judgement :

\$~19 * % + W.P.(C) 8674/2015 IN THE HIGH COURT OF DELHI AT NEW DELHI
Date of Judgment:

30. h January, 2018 AJAY KUMAR Through: Mr.R.S.Rana, Advocate

... Petitioner

versus LAND ACQUISITION COLLECTOR & ORS.

... RESPONDENTS

Through: Mr.Siddharth Panda, Adv. for LAC/L&B. Mr.Zahid Hanief, proxy counsel for Mr.Naushad Ahmed Khan, ASC (Civil), GNCTD. CORAM: HON'BLE MR. JUSTICE G.S.SISTANI HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL G.S.SISTANI, J.

(ORAL) 1. Counter affidavit is stated to have been filed in the Registry on 29.01.2018. Let another copy of the same be supplied to the counsel for the petitioner.

2. With the consent of the parties, the writ petition is set down for final hearing and disposal.

3. This is a petition under Article 226 of the Constitution of India filed by the petitioner. The petitioner seeks a direction to respondent no.1/LAC (North) to forward the reference of the acquired land bearing Khasra Nos.

min (2-12) and

min (2-12) situated in the revenue estate of village Harevli to the concerned court. The counsel of the petitioner submits that the father of the petitioner late W.P. (C) No.8674/2015 Page 1 of 4 Sh.Tek Ram was in the actual physical and cultivatory possession of agricultural land bearing Khasra No.

min (4-16),

(4-16),

(4-16),

(4-16),

(4-16) and

(2-16) situated in the revenue estate of Village Harevli, Delhi for the last more than 50 years. Counsel for the petitioner also submits that the father of the petitioner had filed a writ petition being W.P.(C) 3257/1995 titled as Tek Ram vs. Deputy Commissioner, Delhi and Ors. seeking a direction that his possession be recorded in the revenue records in accordance with the Delhi Land Revenue Rules. It is also contended that such direction was issued on 30.05.2002. However, in spite of the aforesaid order, his name was not included in the revenue records. Counsel submits that the petitioner was also forced to file another writ petition being W.P.(C) 806/2003 titled as Tek Ram vs. Union of India & Ors. seeking protection of his possession over the subject land, which was disposed of vide order dated 31.01.2003 with various directions. Since the directions in both the writ petitions were not complied with, another writ petition being W.P.(C) 3315/2008 titled as Tek Ram vs. UOI & Ors. was filed, which was disposed of vide order dated 04.03.2009 and his physical possession was protected. He also submits that various petitions were filed by his late father for correction of the Khasra Girdawaries with regard to the entry of possession of Tek Ram including: i) ii) 345/RA/86 Tek Ram vs. GS Harevli 139/SO (C) 95 Tek Ram vs. GS Harevli iii) 11/SO (C)/N/2002 Tek Ram vs. GS Harevli iv) 12/SO (C)/N/2002 Tek Ram vs. GS

Harevli W.P. (C) No.8674/2015 Page 2 of 4 4. It is the complaint of the petitioner that post the acquisition proceedings, an application was made on 12.07.2004 for withdrawal of the compensation amount or in the alternate for making a reference to the Additional District Judge (ADJ) under Section 30-31 of the Land Acquisition Act, 1894 (hereinafter referred to as the Act) and for proper adjudication. Another application under Section 18 of the Act was made on 13.06.2006 for enhancement of compensation, which has also not been considered.

5. Mr. Panda, counsel for the LAC submits that as per the record of the LAC, the petitioner is not the recorded owner and thus, no action has been taken on his application under Section 18 of the Act, which was filed on 13.06.2006. Mr.Rana, counsel for the petitioner submits that the Land Acquisition Collector (LAC) is a quasi-judicial authority and in case, for any reason, the application under Section 18 of the Act was to be rejected, he should have followed the principles of natural justice and granted an opportunity of hearing to enable the petitioner to explain his stand and to enable him to produce court orders and other supporting documents.

6. At this stage, counsels for the parties agree that the LAC would issue a notice to the petitioner and grant him a personal hearing and thereafter pass a reasoned order within three months from the receipt of this order.

7. Before we part with the judgment, we cannot help but note that the office of the LAC did not take any action on the request of the petitioner dated 12.07.2004 and 13.06.2006. The explanation rendered as noted in para 5 above is most unsatisfactory and unacceptable as the W.P. (C) No.8674/2015 Page 3 of 4 petitioner has not been informed in writing. We direct the Land Acquisition Collector to ensure that all the applications which are filed should be dealt with expeditiously and within a reasonable period of time and in case, the applications are to be rejected, the order of rejection should be conveyed to the applicants.

8. With the aforesaid directions, the petition is disposed of. G.S.SISTANI, J.

SANGITA DHINGRA SEHGAL, J JANUARY30 2018 rb/ W.P. (C) No.8674/2015
Page 4 of 4