

Subhash Rathi vs.union of India and Anr

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Court : Delhi

Decided On : Jul-26-2018

Appellant : Subhash Rathi

Respondent : Union of India and Anr

Advocate for Def. : Ms. Tyagi

Judgement :

\$~64 * IN THE HIGH COURT OF DELHI AT NEW DELHI Date of Judgment:

26. h July, 2018 + W.P.(C) 4627/2017 SUBHASH RATHIPetitioner Through: Mr. Umesh K. Burnwal, Advocate. Versus UNION OF INDIA & ANRRespondents Through: Ms Jyoti Tyagi, Advocate for Mr. Yeeshu Jain, Standing Counsel for LAC/L&B. CORAM: HON'BLE MR. JUSTICE G.S.SISTANI HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL G.S. SISTANI, J.

(Oral) 1. This is a petition under Article 226 of Constitution of India filed by the petitioner seeking a declaration that the acquisition proceedings pertaining to the land of the petitioner comprised in Khasra Nos. 258, 260, 262, 263, 266, 271, 288, 303, 468 and 469 situated in the revenue estate of Village Masoodpur, Tehsil Kapashera, New Delhi to the extent of respective share of the petitioner 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 (hereinafter referred to as 2013 Act') as compensation has not been paid to the

petitioner although possession has been taken. W.P.(C) 4627/2017 Page 1 of 3 2. Learned counsel submits that LAC has failed to place on record a single document to show that the compensation was tendered to the petitioner herein.

3. The counter-affidavit has been filed by LAC. Ms. Tyagi, learned counsel for respondent submits that admittedly possession has been taken. As far as compensation is concerned, compensation of Rs.38,978/- was duly paid to the predecessor-in-interest of the petitioner, one Shri Teka, on 27.06.1969. Since counsel for the petitioner has strongly urged before us that there is no document on record which would evidence the payment having been made, we had directed production of the relevant record. The relevant record, part of which is in Urdu, has been produced along with English translation. The English translation reads as under:-

"English Translation of Urdu Version Sd./in Hindi Teka Verified that I know Teka son of Udmi and he has written his signature in own hand writing in my presence. In case my identification has not in conformity with fact or truth, we undertake to reimburse the entire amount. Sd./in English Des Ram, Jamadar, Tehsil Delhi 27.6.69 Sd./in Hindi Zile Singh Pion Tehsil Delhi 27.6.69 4. On examining the original record, more particularly the endorsement so made although in Urdu which carries an English translation, we are satisfied that not only possession of the subject land was taken but W.P.(C) 4627/2017 Page 2 of 3 even compensation in respect thereof was tendered to Shri Teka who admittedly was a predecessor-in-interest of the petitioner herein.

5. Since both the ingredients of Section 24(2) of 2013 Act stand satisfied, we find no merit in this writ petition. Consequently, the same is dismissed. JULY26 2018 SRwt G.S.SISTANI, J.

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