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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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+ **W.P.(C) 11355/2017**

SHRI RIZWAN AHMED AND ANR.

..... Petitioners

Through: Mr Rajiv Kumar Ghawana, Advocate

versus

GOVT. OF NCT OF DELHI AND ORS.

..... Respondents

Through: Mr Yeeshu Jain, Standing Counsel for
LAC.

Mr Pawan Mathur, Advocate for
DDA.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

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15.11.2018

1.The Petitioners have approached this Court for a declaration that the entire land acquisition proceedings including Section 4 of the Land Acquisition Act, 1894 ('the LA Act'), the declaration dated 23rd June, 1989, Section 6 of the Land Acquisition Act, 1984, the declaration dated 22nd June 1990 and the award no. 19/92-93 announced on 18.6.1992 in respect of the petitioners land admeasuring 7 Bigha 06 Biswa in Khasra no.225 (2-02) & 249(5-04) situated in the revenue estate of Joga Bai, Tehsil Mehrauli, New Delhi, have lapsed in view of section 24 (2) of The Right To Fair Compensation And Transparency In Land Acquisition, Rehabilitation and Resettlement Act, 2013. ('LARR Act').



2. In the counter affidavit filed on behalf of the Land Acquisition Collector it is stated that the possession of the land falling in Khasra no.225 (2-02) could not be taken but actual vacant possession of 249(5-04) was taken on 13th June, 2013 on the spot by preparing possession proceedings and the said land was handed over to the DDA. It must be noted here that according to the Petitioners they still continue to be in actual physical possession of Khasra No. 249(5-04).

3. Be that as it may, as regards the payment of compensation, it is stated that “Statement 'A', Naksha Muntazamin and payment file is not available in the office of the answering Respondent.” In other words, it is unable to be confirmed by the LAC that compensation in respect of the said land has been paid to the recorded owners, viz., the Petitioners.

4. Mr Rajiv Kumar Ghawana, learned counsel appearing for the Petitioners relies on a series of judgments of this Court, including the judgment dated 2nd May, 2016 in W.P.(C) No.3714/2015 (***Shiv Lal v. Govt. of NCT of Delhi***) and judgment dated 31st January, 2018 in W.P.(C) No.6337/2016 (***Rafiq Ahmad v. Govt. of NCT of Delhi***) to urge that in similar circumstances, this Court has held that the failure to produce the proof of compensation should be construed as fulfilling one of the requirements for Section 24 (2) of the LARR Act, viz., that the compensation has not been paid.

5. Following the decisions in ***Shiv Lal v. Govt. of NCT of Delhi*** (*supra*) and ***Rafiq Ahmad v. Govt. of NCT of Delhi*** (*supra*), this Court allows the



present writ petition by declaring that the land acquisition proceedings in respect of the aforementioned land has lapsed.

S.MURALIDHAR, J.

SANJEEV NARULA, J.

NOVEMBER 15, 2018

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