



\$~24

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

+ **W.P.(C) 4987/2018**

SHRI VIJAY AGGARWAL & ANR.Petitioners

Through: Mr. Rajiv Kumar Ghawana, Adv.

versus

DELHI DEVELOPMENT AUTHORITY AND

ANR.

.....Respondents

Through: Ms. Shobhana Takiar, Standing
Counsel with Mr. Kuljeet Singh, Adv.
for DDA.

Mr. Sanjay Kumar Pathak, Standing
Counsel with Mr Sunil Kumar Jha, Mr
M S Akhtar and Mr Kushagra Dixit,
Advs. for R-2.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE VIKAS MAHAJAN

ORDER

% **21.07.2026**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner seeking, *inter alia*, direction to the Respondents to complete the acquisition proceedings with respect to the land forming part of Khasra No. 47/2 min admeasuring 02 bigha 03 biswa situated in Village Barwala and accordingly, pay compensation to the Petitioner with respect to the said acquisition.
3. As the possession of land is already with the Respondents and no compensation has been disbursed till date, let the process of acquisition be completed by the Land Acquisition Controller (*hereinafter*, 'LAC') in the next three weeks.
4. Mr. Rajiv Kumar Ghawana, Id. Counsel for the Petitioners submits that



he has no objection if the remaining steps for acquisition under Sections 4 to 10, 12, 15 and 19 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (*hereinafter* 'Act') are skipped by the LAC.

5. In **W.P.(C) 11854/2018** titled **Sh. Dhanraj Singh Jain & Anr. vs. Union of India & Ors.**, a coordinate Bench under similar circumstances has ordered as under:

“13. Having reached the above conclusion that the parcel of land in question was illegally taken possession of by the State/respondents on 06.03.2003, we are of the considered opinion that the petitioners ought to be paid compensation/damages with effect from the said date till the date of acquiring the said land. The question to be considered in this regard would be as to the quantum and the date with effect from which such compensation/damages ought to be granted.

14. In our considered opinion, the benchmark for such ascertainment or determination is already set out in the award dated 14.09.1995, passed by the Collector in respect of 1 bigha 8 biswa of land as duly notified and acquired in accordance with law. Records reveal that the lands were acquired @ Rs.96,875 per bigha. Since there is already an ascertained, verified and legally quantified compensation, we need not look for an exemplar in the form of sale deeds etc. to come to a firm conclusion. The Collector can determine the compensation as a fair return on the said value. So far as the duration is concerned, it is not disputed that the excess parcel of land in question was taken possession of vide the kabza karwai (possession proceedings) on 06.03.2003. It is also not disputed that the said excess parcel of land in question has not been released to the petitioners till date. In that view of the matter, we consider it apposite to direct the concerned Collector to



determine the compensation in keeping in mind the parameters set out above by us.

15. In case the petitioners are not agreeable to the compensation as determined by the Collector, the petitioners would be at liberty to institute appropriate proceeding in a Court of competent civil jurisdiction for claiming damages, in accordance with law.

16. The aforesaid view of ours is also fortified by the ratio laid down by the Supreme Court in R.L. Jain (supra), particularly para 18 which is reproduced hereunder:

“18. In a case where the landowner is dispossessed prior to the issuance of preliminary notification under Section 4(1) of the Act the Government merely takes possession of the land but the title thereof continues to vest with the landowner. It is fully open for the landowner to recover the possession of his land by taking appropriate legal proceedings. He is therefore only entitled to get rent or damages for use and occupation for the period the Government retains possession of the property. Where possession is taken prior to the issuance of the preliminary notification, in our opinion, it will be just and equitable that the Collector may also determine the rent or damages for use of the property to which the landowner is entitled while determining the compensation amount payable to the landowner for the acquisition of the property. The provisions of Section 48 of the Act lend support to such a course of action. For delayed payment of such amount appropriate interest at prevailing bank rate may be awarded.”

17. So far as the issue of acquisition of the parcel of land in question is concerned, the Act 2013 came into force



with effect from 19.12.2013, repealing the LA Act, yet, saving the general application of the section 6 of the General Clauses Act, 1897 with regard to the effect of repeals. Learned counsel for the respondents had contended that the market value of the parcel of land in question may be reckoned with effect from the date when the Act, 2013 came into force i.e. 19.12.2013. According to learned counsel determination of the market value as in the year 2025 may amount to windfall for the petitioners and considering the equitable jurisdiction, this Court may direct valuation of the parcel of land in question to be reckoned as on 19.12.2013. We are not persuaded by this argument and find no merit in it. There is little doubt that the respondents had no right, authority or jurisdiction to take possession of land of a citizen except in accordance with law established under the Constitution. Nothing has been placed on record even today as to why and for what reason the market value of the said parcel of land in question must be reckoned as on 19.12.2013. It is obvious that the notification for acquisition of the parcel of land in question would be issued by the respondents post our judgment. Thus, we find neither logic nor any rationale as to why the market value of the said parcel of land in question should not be reckoned as on date. We hold so.

18. In order to obviate the delays which may occur in case the proceedings under the Act, 2013 for acquisition of the parcel of land in question is undertaken, and having regard to our anxious consideration on this question, we are of the opinion that keeping in view the peculiar facts in this case the respondents need not exercise provisions of sections 4 to 10, 12, 15 and 19 of the Act, 2013. We direct that the provisions of section 26 of the Act, 2013, empowering the Collector to determine the market value of the excess parcel of land in question may straightaway be initiated by the Collector upon receipt of this order.



Subsequently, all procedures may be undertaken as provided under the Act, 2013. Let this exercise be carried out within twelve weeks from the date of receipt of this order.”

6. The above judgement would also apply to the present case wherein, the possession of the land has been taken in 2017 itself and the road is also stated to have been constructed. However, the process of acquisition has not been completed. Accordingly, let the process of acquisition be expedited by skipping the remaining steps for acquisition under Sections 4 to 10, 12, 15 and 19 of the Right to Fair Compensation Act 2013.
7. In addition, the concerned LAC is free to determine the market value of the subject land in terms of Section 26 of the Act and thereafter, proceed in accordance with law.
8. Since the possession of the land is taken prior to the proper acquisition in accordance with law, let the LAC also compute the damages to be paid to the Petitioners w.e.f. the date the possession was taken till the date of acquisition as well.
9. After completion of above steps, let the status report be filed by the LAC at least two weeks before the next date.
10. A competent official of the LAC shall remain present in Court on the next date of hearing.
11. List on 15th October, 2026.

PRATHIBA M. SINGH, J.

VIKAS MAHAJAN, J.

JULY 21, 2026

aj/ss