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

% *Date of Decision : 24.01.2025*

+ **W.P.(C) 14172/2023**

SHRI RAMCHANDER SINGH & ORS.Petitioners

Through: Ms Esha Mazumdar with Ms
Unnimaya S., Advocates.

versus

UNION OF INDIA & ORS.Respondents

Through: Mr Chandra Prakash with Mr
Abhinav Kumar, Advocates for R1
and R4.

Ms Shobhana Takiar, Standing
Counsel with Mr Kuljeet Singh,
Advocate for R2/DDA.

Ms Beenashaw N. Soni, Standing
Counsel with Ms Mansi Jain,
Advocate for MCD.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

VIBHU BAKHRU, J. (ORAL)

1. The petitioners have filed the present petition, *inter alia*, praying that direction be issued to the respondents to release compensation with interest in respect of a land measuring 3 bighas 10 biswas out of a land of 6 bighas and 10 biswas comprising Khasra No. 165 in the revenue estate of village Chaukri Mubarikabad, Delhi with Abadi known as Jai Mata Market, Trinagar, Delhi-110035 (hereafter *the subject land*).



2. A notification under Section 4 of the Land Acquisition Act, 1894 (hereafter *LA Act*) was issued on 13.11.1959 in respect of lands including the subject land. This was followed by a declaration under Section 6 of the LA Act, which was issued on 26.12.1962. An award (Award No.1686) under Section 11 of the LA Act was made on 20.02.1964.
3. The petitioners – who claim that they have interest in the subject land and have not received the compensation – had thus filed a petition before this court being WP(C) 9805/2017 captioned ***Ram Chander Singh & Ors. vs. Lt. Governor of Delhi & Ors.***, contending that their acquisition had lapsed by virtue of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (hereafter *the 2013 Act*). This court, following the decision of the Supreme Court in ***Pune Municipal Corporation and Anr. v. Harakchand Misirimal Solanki and Ors. : (2014) 3 SCC 183***, allowed the said petition by an order dated 29.01.2018.
4. The Delhi Development Authority (DDA) appealed the said decision before the Supreme Court (Civil Appeal No.1954 of 2023) which was allowed by an order dated 24.03.2023 in view of the decision of the Supreme Court in ***Indore Development Authority vs. Manoharlal and Ors.: 2020 (8) SCC 129***. Similarly, the appeal was also preferred by North Delhi Municipal Corporation (Civil Appeal No.733/2023) was allowed as well.
5. In view of the above, the petitioner's claim that the acquisition has lapsed, no longer survives. However, the petitioner's contention that they have not received compensation and have a right to receive the same, survives. The petitioners have accordingly filed the present petition praying for disbursement of compensation along with interest.



6. The Govt. of NCT of Delhi (hereafter *LAC*) has filed a counter-affidavit, *inter alia*, affirming that compensation in respect of the land comprising in Khasra No.165(12-19) was forwarded initially to the court of ADJ by a Cheque No. 389384 dated 03.09.1965. However, the same was received back. Subsequently, the said amount was deposited with the Delhi Treasury vide Cheque No. 394710 dated 10.03.1967.

7. The learned counsel appearing for the LAC submits that LAC has no objection for the disbursement of the compensation in accordance with law subject to the petitioners establishing their title and interest. He submits that the petitioners are not the recorded owners of the subject land.

8. The learned counsel appearing for the petitioner submits that there can be no dispute as to their right to receive compensation. The contention that they are not the recorded owners, is required to be rejected. He contends that the fact that the petitioners have interest in the subject land was duly accepted by this court in the judgment dated 29.01.2018 rendered in WP(C) 9805/2017 captioned ***Ram Chander Singh & Ors. vs. Lt. Governor Delhi & Ors.***

9. It is relevant to refer to paragraph 5 of the said judgment, which is set out below:

“5. The mandate of Section 24(2) of the Act of 2013 is that if the appropriate Government or the concerned land acquiring body fails to pay compensation to the land owner within five years period immediately preceding to coming into force of the Act of 2013, i.e., 01.01.2014, the acquisitions are deemed to have lapsed. The controversy in this case, as urged by the LAC, is the petitioners’ stand to claim the relief. On this aspect, this Court is satisfied that the petitioners have sufficient standing. The documents placed on record clearly demonstrate that Bode



Singh was one of the original owners. His claim of compensation was assessed and awarded. Furthermore, the award also recognizes the right of Panna Lal. The petitioners are none other than the legal representatives/ heirs of Panna Lal, who acquired Bode Singh's share of the lands through a registered Sale Deed. Given these facts, this Court is satisfied that the petitioners have a standing to maintain the present proceedings.”

10. It is clear from the above that the question whether the petitioners had any interest in the subject land was examined and held in favour of the petitioners. It is also material to note that although the LAC and DDA had appealed the said decision before the Supreme Court, the question whether the petitioners had interest in the subject land was not disputed.

11. The learned counsel appearing for the petitioner has also drawn the attention of this court to the *khatoni* of the village Mauja Chaukri Mubarikabad, Delhi, District North-West for the year 1986-87. The relevant extract of the said record is set out below:

“As per 0-4, Sr. No.40 by the Order of NT/82 File No.M-64/2000-2001 order dated 8.10.2000 heritage of Panna Lai regarding K.No. 165 Min area 6-10, revenue 1.80 PS- is allowed in favour Ramnal. Bhagmal, Ram Chander, Ved sons of Panna Lal and Shanti Devi- Jagrati- Kasnmeri Devi- Dharamwati Deyj daughters of Panna Lal in equal share.

Note: Khasra No. 165 Min is acquired through Award No.1686 dated 20.02.1964.”

12. The noting in the *khatoni* also indicate that the names of sons and daughters of Panna Lal were recorded as holding equal share in the subject land.

13. In view of the above, the question of withholding compensation on



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the ground that the petitioners do not have any interest does not arise. We, accordingly, direct the concerned authorities to take steps for disbursement of the compensation along with all other statutory benefits in accordance with law to the petitioners subject to verifying that extent of their interest in the subject land.

14. The amount will be disbursed within a period of twelve weeks from date.

15. The petition is disposed of in the aforesaid terms.

VIBHU BAKHRU, J

ANOOP KUMAR MENDIRATTA, J

JANUARY 24, 2025/tr