

Before the National Green Tribunal

Principal Bench, New Delhi

O.A 914/2022

In the matter of:

Kamlesh Jonwal,

President RWA,

Kaveri Apartment

Applicant

Vs

Uday Punj & DDA

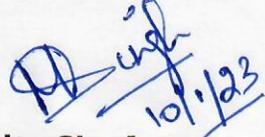
Respondent

Index

| S. No. | Particulars | Pg. No. |
|---------------|---|----------------|
| 1. | Submissions on behalf of Respondent No. 1 | 1-4 |
| 2. | Annexure 1: The copy of the judgment dated 23.02.2015 passed by Hon'ble High Court of Delhi in Writ Petition (Civil) No. 6390/2014 | 5-11 |
| 3. | Annexure 2: The copy of the judgment dated 28.04.2016 passed by Hon'ble Supreme Court of India in SLP bearing No. 32635/2015 which was later converted into Civil Appeal No. 4590/2016 which was tagged along with Civil Appeal No. 4544/2016. | 12-19 |
| 4. | Annexure 3: The copy of the Order dated 31.03.2022 passed by Hon'ble Supreme Court of India in Review Petition (Civil) Diary No. 3373/2022 in Civil Appeal No. 4554/2016 and | 20-22 |

| | | |
|----|---|-------|
| | Review Petition (Civil) Diary No. 27968/2021 in Civil Appeal No. 4590/2016 | |
| 5. | Annexure 4: A copy of the Map of the whole area | 23 |
| 6. | Annexure 5: A copy of the land revenue record | 24-33 |
| 7. | Vakalatnama | |

Filed by:


10/1/23

Advocate Madhumita Singh & Advocate Sameer Sood

Counsels for Respondent No. 1

A 414-415, Somdutt Chambers 1,

Bhikaji Cama Place, New Delhi-110066

madhumita@casassociates.in

9971117818

Before the National Green Tribunal

Principal Bench, New Delhi

O.A. 914/2022

In the matter of:

Kamlesh Jonwal,

President RWA,

Kaveri Apartment

Applicant

Vs

Uday Punj & DDA

Respondent

Brief Facts:

1. A writ petition was filed by Shri Satya Narain Prakash Punj bearing Writ Petition (Civil) No. 6390/2014 before the Hon'ble High Court of Delhi seeking the benefit of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 which came into effect on 01.01.2014.
2. That the acquisition proceeding initiated under the Land Acquisition Act, 1894 and in respect of which Award No. 90/1980-81 dated 22/29.12.1980 was made, inter alia, in respect of the land in question, comprised in Khasra Nos. 480/396/87 (3-12), 479/396/87 (3-12), 86 (9-12), 88 (9-17) and 67 (4-01) in all measuring 30 bighas 14 biswas, in village Masoodpur, was deemed to have lapsed.
3. That, the concerned Land Acquisition Collector stated in its counter affidavit filed before the Hon'ble High Court of Delhi that physical possession of the subjected land had not been taken.

4. That, the Hon'ble High Court of Delhi vide its judgment dated 23.02.2015 held that the acquisition proceedings initiated under the Land Acquisition Act, 1894 in respect to the land in question has lapsed and the land reverts to its original owner. The relevant text of the judgment is reproduced hereunder:

"10. As such, in the present case, neither physical possession of the subject land has been taken nor has any compensation been paid to the petitioner. The Award was made more than five years prior to the coming into force of the 2013 Act. No period is liable to be excluded inasmuch as the second proviso, which has been newly inserted by virtue of the said Ordinance, is not applicable, as indicated above.

11. As a result, the petitioner is entitled to a declaration that the said acquisition proceedings initiated under the 1894 Act in respect of the subject lands are deemed to have lapsed. It is so declared.

12. The writ petition is allowed to the aforesaid extent. There shall be no order as to costs".

The copy of the judgment dated 23.02.2015 is annexed herewith as **Annexure 1.**

5. That, aggrieved by the judgment dated 23.02.2015 passed by the Hon'ble High Court of Delhi the Delhi Development Authority (Respondent No. 3) filed a SLP bearing No. 32635/2015 which was later converted into Civil Appeal No. 4590/2016 which was tagged along with Civil Appeal No. 4544/2016.
6. That, the Hon'ble Supreme Court of India upheld the decision of the Hon'ble High Court of Delhi and dismissed the Appeal filed by the Delhi Development Authority (Respondent No. 3) vide its judgment dated 28.04.2016. The relevant text of which is reproduced as under:

"6. Under the above provision, once an award has been made by the Collector under Section 11 of the Act, 1894, the Collector has to take possession of the land and only thereupon, the land will vest in the Government free from all encumbrances. Therefore, passing of the award by itself will not enable the appellant to take a contention that

the land has automatically vested with the Government on passing of the award.

7. It is not in dispute that in all these cases, the land has not been taken possession of by the Collector within five years or more prior to 01.01.2014 when the 2013 Act came into force.

8. In that view of the matter, there is no merit in these appeals. The appeals are, accordingly, dismissed. No costs”.

The copy of the judgment dated 28.04.2016 is annexed herewith as **Annexure 2.**

7. That, aggrieved by the judgment dated 28.04.2016 a Review Petition (Civil) Diary No. 3373/2022 in Civil Appeal No. 4554/2016 and Review Petition (Civil) Diary No. 27968/2021 in Civil Appeal No. 4590/2016 was filed by the Delhi Development Authority (Respondent No. 3).

8. That, the Hon'ble Supreme Court of India dismissed the Review Petition The relevant text of the Order dated 31.03.2022 is reproduced as under:

“Having carefully gone through the petitions for review and the papers connected therewith, we do not find any ground warranting review of order dated 28.04.2016.

The review petitions are, therefore, dismissed on the ground of delay as well as on merits”.

The copy of the Order dated 31.03.2022 is annexed herewith as **Annexure 3.**

9. That, in view of the facts and the judgments of the Hon'ble Supreme Court of India and Hon'ble High Court of Delhi the title and the possession of the land in question is held by Shri Uday Punj son of Late Shri Satya Narain Prakash Punj. Further, the Delhi Development Authority (Respondent No. 3) is well aware of the fact that the land in question is the private property of Respondent No. 1 and the same land cannot be declared as green belt.

10. That, the allegation of cutting of trees by Respondent No. 1 in the petition is factually incorrect as no trees have been cut for the construction of the boundary wall.
11. Further, if at all the Petitioner was of the view that the trees were cut for the construction of the boundary wall the Petitioner should have filed a complaint with the Conservator of Forest as they are the first fact finding authority rather than coming to this Hon'ble Tribunal directly.
12. It is respectfully submitted that till date no complaint has been filed by Petitioner for cutting of trees before the Conservator of Forest.
13. That, no authorization whatsoever has been filed by the Residents Welfare Association, Kaveri Apartment authorizing the President Mr. Kamlesh Jonwal to file the present petition before this Hon'ble Tribunal.
14. It is respectfully submitted that keeping in mind all the aforesaid facts and judgments it is a deliberate and personal attempt of Mr. Kamlesh Jonwal to mislead and waste the precious time of this Hon'ble Tribunal.
15. It is humbly prayed that this Petition may be dismissed, and cost be imposed on the Petitioner.

\$~14

THE HIGH COURT OF DELHI AT NEW DELHI

%

Judgment delivered on: 23.02.2015

+ **W.P. (C) 6390/2014**

SATYA NARAIN PRAKASH PUNJ

... Petitioner

versus

UNION OF INDIA & ORS.

... Respondents

Advocates who appeared in this case:

For the Petitioner : Ms Anju Bhattacharya and Ms Elgin Matt John, Advocates.

For the Respondents : Mr Sanjay Kumar Pathak, Mr Sunil Kumar Jha and Mr Siddharth Panda, Advocates for L&B/LAC/GNCTD.
Mr Dhanesh Relan with Mr Arush Bhandari, Advocate for DDA.

CORAM:-

HON'BLE MR JUSTICE BADAR DURREZ AHMED

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

BADAR DURREZ AHMED, J (ORAL)

1. Mr Siddharth Panda, the learned counsel appearing for respondent No.2 has handed over the affidavit on behalf of Land Acquisition Collector (South). The same is taken on record. The learned counsel for

the petitioner does not wish to file any rejoinder affidavit inasmuch as all the necessary averments are contained in the writ petition.

2. By way of this writ petition the petitioner seeks the benefit of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as the "2013 Act") which came into effect on 01.01.2014. The petitioner, consequently, seeks a declaration that the acquisition proceeding initiated under the Land Acquisition Act, 1894 (hereinafter referred to as the "1894 Act") and in respect of which Award No. 90/1980-81 dated 22/29.12.1980 was made, *inter alia*, in respect of the petitioner's land, comprised in Khasra Nos. 480/396/87 (3-12), 479/396/87 (3-12), 86 (9-12), 88 (9-17) and 67 (4-01) in all measuring 30 bighas 14 biswas, in village Masoodpur, shall be deemed to have lapsed.

3. In this case, it has been admitted by the concerned Land Acquisition Collector that physical possession of the subject land has not been taken. This is evident from the counter-affidavit filed on behalf of the concerned Land Acquisition Collector. It is, however, contended by the learned counsel for the respondents that the amount of compensation in respect of the same was deposited in the treasury, though the same has

not been paid to the land owner nor was it offered to the land owner.

4. The learned counsel for the respondents placed reliance on the second proviso to Section 24(2) of 2013 Act, which has been introduced by virtue of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Ordinance, 2014 (hereinafter referred to as the "said Ordinance"). The newly added proviso reads as under:-

"Provided further that in computing the period referred to in this sub-section, any period or periods during which the proceedings for acquisition of the land were held up on account of any stay or injunction issued by any court or the period specified in the award of a Tribunal for taking possession or such period where possession has been taken but the compensation lying deposited in a court or in any account maintained for this purpose shall be excluded."

(underlining added)

5. On a plain reading of the proviso, it is evident that its purpose is to compute the period of five years referred to in Section 24(2) of the 2013 Act. Certain periods are to be excluded in computing the said period referred to in Section 24(2) of the 2013 Act. The periods to be excluded are:

- (1) the period or periods during which the proceedings for acquisition of the land were held up on account of any

- stay or injunction issued by any court; or
- (2) the period specified in the Award of a Tribunal for taking possession; or
 - (3) such period where possession has been taken but the compensation is lying deposited in a court or in any account maintained for this purpose.

6. The learned counsel for the respondents are relying on the third alternative inasmuch as it has been contended that the amount for compensation has been placed in the government treasury. According to the learned counsel for the respondents, this amounts to deposit "in any account maintained for this purpose". Consequently, it is urged that the entire period during which this amount was lying in the treasury ought to be excluded.

7. The learned counsel for the petitioner contends that the newly added proviso does not have any application to the facts prevailing in the present case. The question of compensation lying deposited in a court or in any account maintained for such purposes would only arise in a case where possession has been taken. In the present case, admittedly, the possession has not been taken. This being the situation, the newly inserted proviso has no application. We agree with the submission made

by the learned counsel for the petitioner that unless and until possession is taken, the third alternative mentioned in the second proviso does not get triggered even though compensation may be lying deposited in a court or in any account maintained for such purposes.

8. In any event, the second proviso to Section 24(2) introduced by virtue of the said Ordinance has been held to be only prospective in operation by virtue of the Supreme Court decisions in M/s Radiance Fincap (P) & Ors. v. Union of India & Ors. decided on 12.1.2015 in Civil Appeal No.4283/2011 and Karnail Kaur & Ors. Vs. State Of Punjab & Ors. decided on 22.1.2015 in Civil Appeal no.7424 of 2013. The rights vested in the petitioner as on 01.01.2014 by virtue of the 2013 Act have not been taken away by virtue of the introduction of the second proviso to Section 24(2) of the said Ordinance.

9. That being the position, the question of payment of compensation will have to be construed in the light of the various decisions rendered by the Supreme Court and this Court in:-

- (i) Pune Municipal Corporation and Anr v. Harakchand Misirimal Solanki and Ors: (2014) 3 SCC 183;
- (ii) Union of India and Ors v. Shiv Raj and Ors: (2014) 6

SCC 564;

- (iii) *Sree Balaji Nagar Residential Association v. State of Tamil Nadu and Ors*: Civil Appeal No. 8700/2013 decided on 10.09.2014; and
- (iv) *Surender Singh v. Union of India and Ors.*: W.P.(C) 2294/2014 decided 12.09.2014 by this Court.

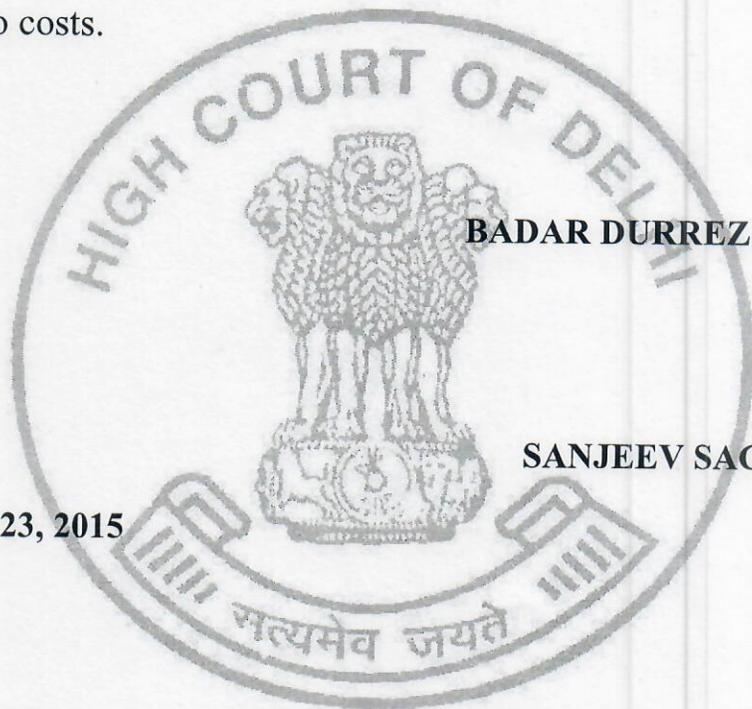
In *Pune Municipal Corporation (supra)* it has been held that unless and until the compensation was tendered to the persons interested, mere deposit of the compensation amount in a court would not amount to payment of compensation. This aspect has also been considered in *Gyanender Singh & Others v. Union Of India & Others: WP (C) 1393/2014* decided by a Division Bench of this Court on 23.09.2014. The same would be the position in respect of a deposit in “any account maintained for this purpose”. Consequently, the mere deposit in the treasury, without being offered or tendered to the persons entitled would not ipso facto amount to payment of compensation.

10. As such, in the present case, neither physical possession of the subject land has been taken nor has any compensation been paid to the petitioner. The Award was made more than five years prior to the coming into force of the 2013 Act. No period is liable to be excluded inasmuch as the second proviso, which has been newly inserted by virtue of the said

Ordinance, is not applicable, as indicated above.

11. As a result, the petitioner is entitled to a declaration that the said acquisition proceedings initiated under the 1894 Act in respect of the subject lands are deemed to have lapsed. It is so declared.

12. The writ petition is allowed to the aforesaid extent. There shall be no order as to costs.



BADAR DURREZ AHMED, J

SANJEEV SACHDEVA, J

FEBRUARY 23, 2015
n

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4544 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 11996 OF 2015]

DELHI DEVELOPMENT AUTHORITY Appellant(s)

VERSUS

REENA SURI AND ORS. Respondent(s)

WITH

CIVIL APPEAL NO. 4545 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 12032 OF 2015]

CIVIL APPEAL NO. 4546 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 12433 OF 2015]

CIVIL APPEAL NO. 4547 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 12606 OF 2015]

CIVIL APPEAL NO. 4548 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 13377 OF 2015]

CIVIL APPEAL NO. 4549 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 13378 OF 2015]

CIVIL APPEAL NO. 4550 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 14103 OF 2015]

CIVIL APPEAL NO. 4552 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 15350 OF 2015]

CIVIL APPEAL NO. 4553 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 17590 OF 2015]

CIVIL APPEAL NO. 4554 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 17601 OF 2015]

CIVIL APPEAL NO. 4555 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 17603 OF 2015]

CIVIL APPEAL NO. 4556 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 17605 OF 2015]

CIVIL APPEAL NO. 4557 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 17607 OF 2015]

CIVIL APPEAL NO. 4558 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 21351 OF 2015]

CIVIL APPEAL NO. 4559 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 22068 OF 2015]

CIVIL APPEAL NO. 4560 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 25402 OF 2015]

CIVIL APPEAL NO. 4561 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 25405 OF 2015]

CIVIL APPEAL NO. 4562 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 25407 OF 2015]

CIVIL APPEAL NO. 4563 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 25411 OF 2015]

CIVIL APPEAL NO. 4564 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 25415 OF 2015]

CIVIL APPEAL NO. 4565 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 25418 OF 2015]

CIVIL APPEAL NO. 4566 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 26665 OF 2015]

CIVIL APPEAL NO. 4567 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 26721 OF 2015]

CIVIL APPEAL NO. 4568 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 26722 OF 2015]

CIVIL APPEAL NO. 4569 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 27397 OF 2015]

CIVIL APPEAL NO. 4570 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 28866 OF 2015]

CIVIL APPEAL NO. 4571 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 30126 OF 2015]

CIVIL APPEAL NO. 4572 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 30132 OF 2015]

CIVIL APPEAL NO. 4573 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 30133 OF 2015]

CIVIL APPEAL NO. 4574 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 30136 OF 2015]

CIVIL APPEAL NO. 4575 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 30139 OF 2015]

CIVIL APPEAL NO. 4576 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 30140 OF 2015]

CIVIL APPEAL NO. 4577 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 30143 OF 2015]

CIVIL APPEAL NO. 4578 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 30144 OF 2015]

CIVIL APPEAL NO. 4579 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 30145 OF 2015]

CIVIL APPEAL NO. 4580 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 30147 OF 2015]

CIVIL APPEAL NO. 4581 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 30150 OF 2015]

CIVIL APPEAL NO. 4582 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 30210 OF 2015]

CIVIL APPEAL NO. 4583 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 30245 OF 2015]

CIVIL APPEAL NO. 4584 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 30726 OF 2015]

CIVIL APPEAL NO. 4585 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 31249 OF 2015]

CIVIL APPEAL NO. 4586 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 31668 OF 2015]

CIVIL APPEAL NO. 4587 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 31671 OF 2015]

CIVIL APPEAL NO. 4588 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 31679 OF 2015]

CIVIL APPEAL NO. 4589 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 32634 OF 2015]

CIVIL APPEAL NO. 4590 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 32635 OF 2015]

CIVIL APPEAL NO. 4591 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 33654 OF 2015]

CIVIL APPEAL NO. 4592 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 2540 OF 2016]

CIVIL APPEAL NO. 4593 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 4223 OF 2016]

CIVIL APPEAL NO. 4594 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 6359 OF 2016]

CIVIL APPEAL NO. 4595 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 6363 OF 2016]

CIVIL APPEAL NO. 4596 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 7012 OF 2016]

CIVIL APPEAL NO. 4597 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 10155 OF 2016]

CIVIL APPEAL NO. 4598 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 10156 OF 2016]

CIVIL APPEAL NO. 4599 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 10166 OF 2016]

CIVIL APPEAL NO. 4600 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 10187 OF 2016]

CIVIL APPEAL NO. 4601 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 11964 OF 2016]

J U D G M E N T

KURIAN, J.

1. Leave granted.
2. All these appeals have been filed by the Delhi Development Authority, aggrieved by the Judgment of the High Court of Delhi. In the impugned Judgment, the High Court has taken the stand that the land acquisition initiated under the Land Acquisition Act, 1894, and culminating in passing of awards on different dates, has lapsed in view of Section 24 of The Right to Fair Compensation and Transparency in

Land Acquisition, Rehabilitation and Resettlement Act, 2013 (in short, "2013 Act") in respect of the land covered by these appeals. Section 24 of the Act reads as follows :-

"24. Land acquisition process under Act No. 1 of 1894 shall be deemed to have lapsed in certain cases - (1) Notwithstanding anything contained in this Act, in any case of land acquisition proceedings initiated under the Land Acquisition Act, 1894,--

(a) where no award under section 11 of the said Land Acquisition Act has been made, then, all provisions of this Act relating to the determination of compensation shall apply; or

(b) where an award under said section 11 has been made, then such proceedings shall continue under the provisions of the said Land Acquisition Act, as if the said Act has not been repealed.

(2) Notwithstanding anything contained in sub-section (1), in case of land acquisition proceedings initiated under the Land Acquisition Act. 1894, where an

award under the said section 11 has been made five years or more prior to the commencement of this Act but the physical possession of the land has not been taken or the compensation has not been paid the said proceedings shall be deemed to have lapsed and the appropriate Government, if it so chooses, shall initiate the proceedings of such land acquisition afresh in accordance with the provisions of this Act:

Provided that where an award has been made and compensation in respect of a majority of land holdings has not been deposited in the account of the beneficiaries, then, all beneficiaries specified in the notification for acquisition under section 4 of the said Land Acquisition Act, shall be entitled to compensation in accordance with the provisions of this Act"

3. It may be seen that under Section 24(2) of the Act, the proceedings initiated under the Land Acquisition Act, 1894 and culminating in award under Section 11 of the said Act would lapse in case the possession after passing of the award has not been

taken within five years or more prior to the commencement of the 2013 Act (9 of 2014). This Act came into force on 01.01.2014. Under Section 24 (2) of the 2013 Act, the proceedings would also lapse in case the compensation has not been paid to the owners of the land before 01.01.2014. However, it is made clear under Section 24(2) of the 2013 Act that despite such lapse, it will be open to the appropriate Government to initiate fresh proceedings for acquisition in accordance with the provisions of the 2013 Act.

4. Sh. Vishnu Saharya, learned counsel appearing for the appellant-Delhi Development Authority, has submitted that once an award has been passed, the property vests in the Government and, therefore, there is no lapse. We are afraid, the contentions raised by him cannot be appreciated.

5. Section 16 of the Land Acquisition Act, 1894 reads as follows :-

"Power to take possession - When the Collector has made an award under Section 11, he may take possession of the land, which shall thereupon [vest absolutely in the [Government]], free from all encumbrances."

6. Under the above provision, once an award has been made by the Collector under Section 11 of the Act, 1894, the Collector has to take possession of the land and only thereupon, the land will vest in the Government free from all encumbrances. Therefore, passing of the award by itself will not enable the appellant to take a contention that the land has automatically vested with the Government on passing of the award.

7. It is not in dispute that in all these cases, the land has not been taken possession of by the Collector within five years or more prior to 01.01.2014 when the 2013 Act came into force.

8. In that view of the matter, there is no merit in these appeals. The appeals are, accordingly, dismissed.

No costs.

.....J.
[KURIAN JOSEPH]

.....J.
[ROHINTON FALI NARIMAN]

New Delhi;
April 28, 2016

IN THE SUPREME COURT OF INDIA
INHERENT JURISDICTION

REVIEW PETITION(CIVIL) DIARY NO. 3373 OF 2022

IN

CIVIL APPEAL NO. 4554 OF 2016

DELHI DEVELOPMENT AUTHORITY

..... PETITIONER(S)

VERSUS

SHASHI KHER & ORS.

..... RESPONDENT(S)

AND

REVIEW PETITION(CIVIL) DIARY NO. 27968 OF 2021

IN

CIVIL APPEAL NO. 4590 OF 2016

O R D E R

Application for oral hearing of review petition (Dy. No.27968/2021) is rejected.

The present petitions have been filed by the petitioner seeking review of order dated 28.04.2016 whereby this Court dismissed the civil appeals filed by the petitioner herein.

There is a delay of 1386 days in filing the review petitions which has not been satisfactorily explained by the petitioner.

Digitally signed by
Rajni Mukhi
Date: 2024.07.25
16:39:15 IST
Reason:

...2/-

Having carefully gone through the petitions for review and the papers connected therewith, we do not find any ground warranting review of order dated 28.04.2016.

The review petitions are, therefore, dismissed on the ground of delay as well as on merits.

..... CJI.
[N.V. RAMANA]

..... J.
[DR. DHANANJAYA Y. CHANDRACHUD]

New Delhi;
March 31, 2022

ITEM NO.1004

SECTION XIV-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

REVIEW PETITION (CIVIL) Diary No(s). 3373/2022 IN
CIVIL APPEAL NO. 4554 OF 2016

DELHI DEVELOPMENT AUTHORITY

Petitioner(s)

VERSUS

SHASHI KHER & ORS.

Respondent(s)

(IA No. 14846/2022 - CONDONATION OF DELAY IN FILING)

WITH

Diary No(s). 27968/2021 (XIV-A)

(FOR ORAL HEARING ON IA 148475/2021
AND CONDONATION OF DELAY IN FILING REVIEW PETITION ON IA
148479/2021)

Date : 31-03-2022 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

By Circulation

UPON perusing papers the Court made the following
O R D E R

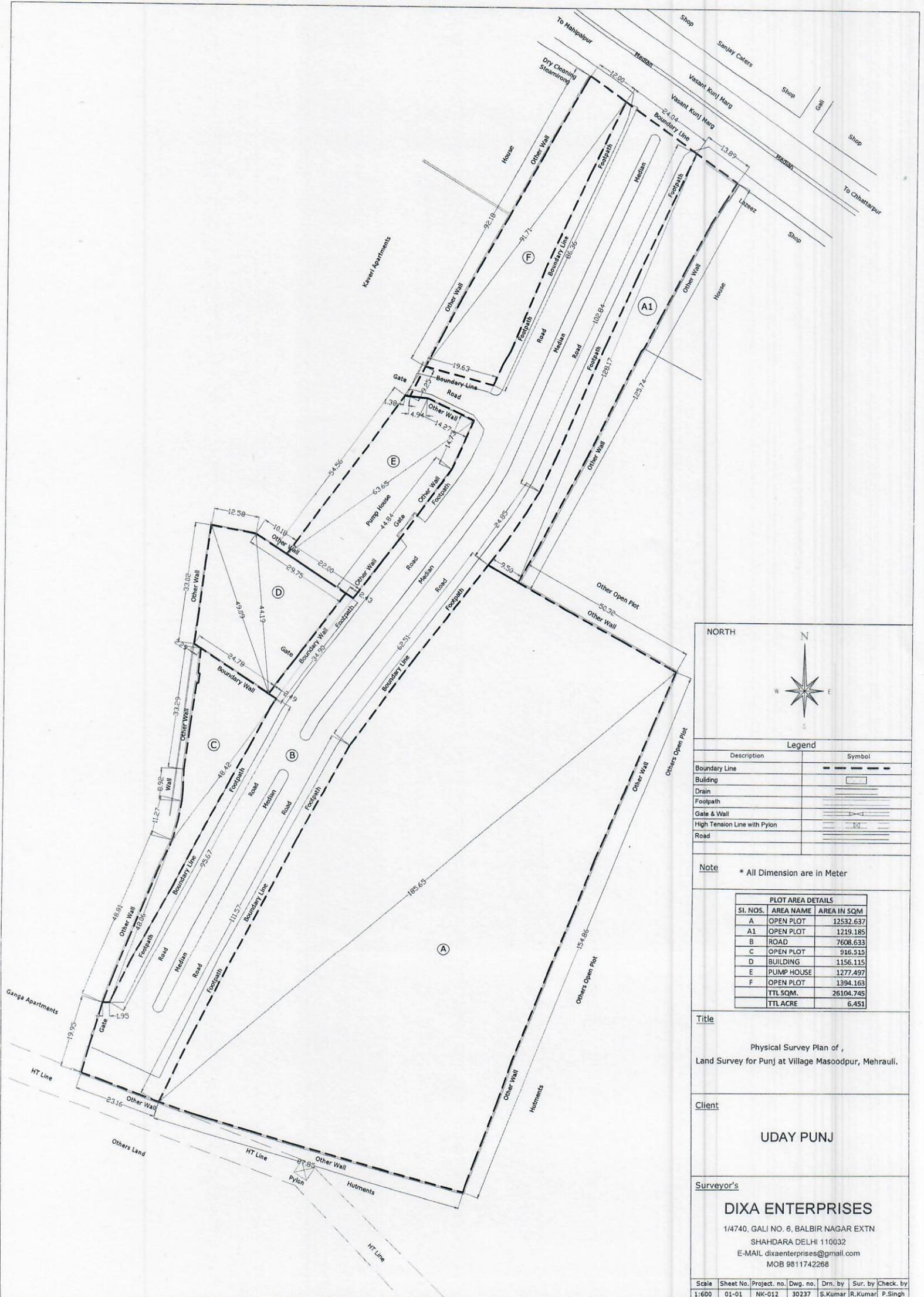
Application for oral hearing of review petition (Dy.
No.27968/2021) is rejected.

The review petitions are, therefore, dismissed on the ground
of delay as well as on merits in terms of signed order.

(RAJNI MUKHI)
COURT MASTER (SH)

(R.S. NARAYANAN)
COURT MASTER (NSH)

(Signed order is placed on the file)



NORTH

Legend

| Description | Symbol |
|------------------------------|----------|
| Boundary Line | --- --- |
| Building | [Symbol] |
| Drain | [Symbol] |
| Footpath | [Symbol] |
| Gate & Wall | [Symbol] |
| High Tension Line with Pylon | [Symbol] |
| Road | [Symbol] |

Note * All Dimension are in Meter

| PLOT AREA DETAILS | | |
|-------------------|------------|-------------|
| SI. NOS. | AREA NAME | AREA IN SQM |
| A | OPEN PLOT | 12532.637 |
| A1 | OPEN PLOT | 1219.185 |
| B | ROAD | 7608.633 |
| C | OPEN PLOT | 916.512 |
| D | BUILDING | 1156.115 |
| E | PUMP HOUSE | 1277.497 |
| F | OPEN PLOT | 1394.163 |
| | TTL SQM. | 26104.745 |
| | TTL ACRE | 6.451 |

Title

Physical Survey Plan of ,
Land Survey for Punj at Village Masoodpur, Mehrauli.

Client

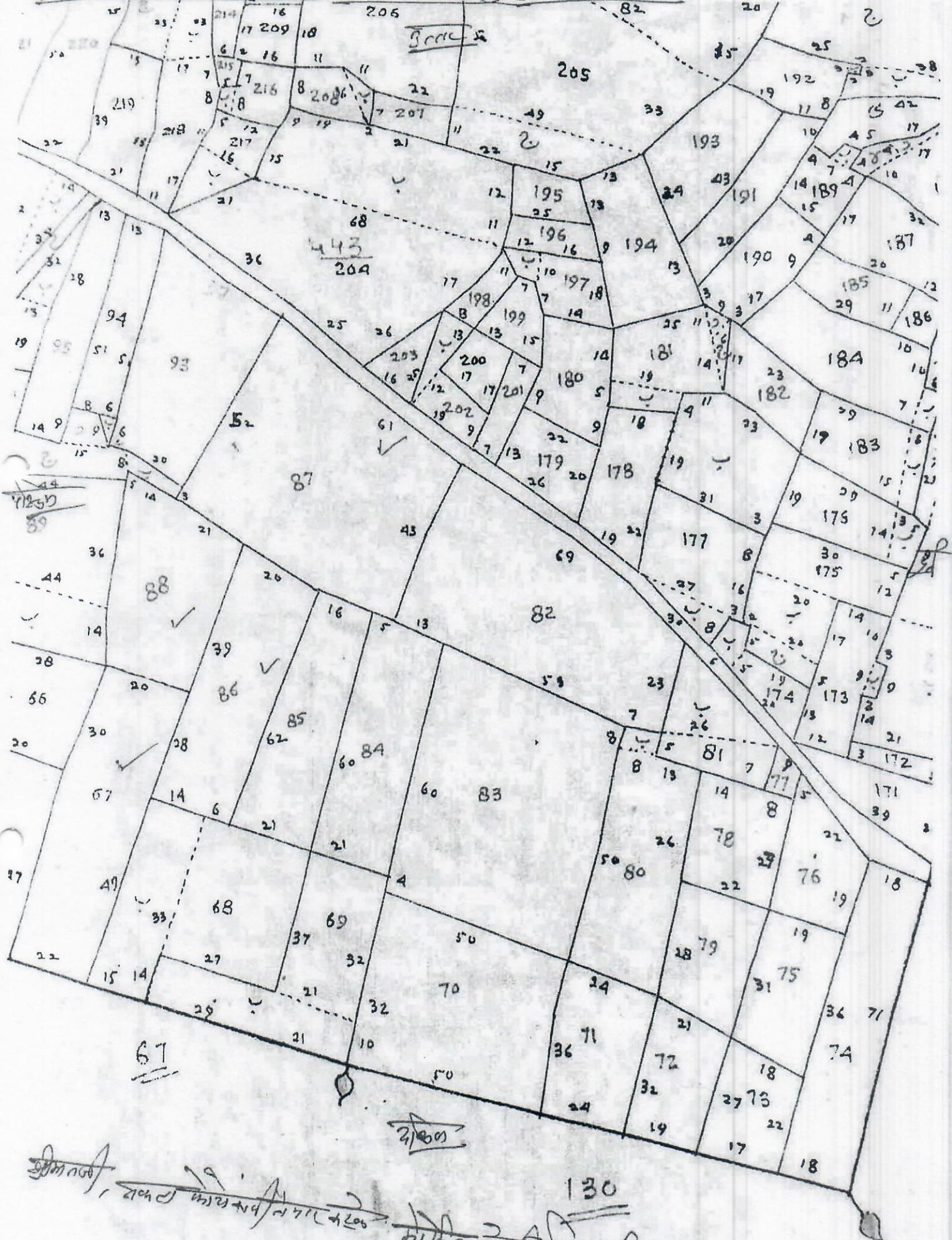
UDAY PUNJ

Surveyor's

DIXA ENTERPRISES
1/4740, GALI NO. 6, BALBIR NAGAR EXTN
SHAHDARA DELHI 110032
E-MAIL dixainterprises@gmail.com
MOB 9811742268

| Scale | Sheet No. | Project. no. | Dwg. no. | Drn. by | Sur. by | Check. by |
|-------|-----------|--------------|----------|---------|---------|-----------|
| 1:600 | 01-01 | NK-012 | 30237 | S.Kumar | R.Kumar | P.Singh |

पंचायत समिति, बरौली, जिला - मिर्जापुर - 1907



130
 11/04/2022
 [Signature]
 [Signature]
 [Signature]

फॉर्म 14-9/FORM P-6
दंडो नियम-83/SEE RULE-83

खतोनी / KHATONI फा.सं. 1984-55

| खतोनी का क्रमांक S. No. of the Khata Khatoni | खतोनी का नाम Name of the Khata | खतोनी का नाम/पिता का नाम Name of the Khata or Father's name | खतोनी का निवास स्थान Address of the Khata | भूमिदार के अधिकार प्रारम्भ होने का वर्ष Date of commencement of rights | खतोनी के गाटे का क्रमांक Khata No. of each Khata | प्रत्येक गाटे का क्षेत्रफल बीघों या एकड़ों में Area of each Khata in Bighas/Acre | नियंत्रण का स्थान Land Revenue OR Rent | परिवर्तन करने का वर्ष Year of change | | | टिप्पणी REMARKS |
|---|-----------------------------------|--|--|---|---|---|---|---|------------------------|------------------------|--------------------|
| | | | | | | | | क्र. वर्ष Crop Year | क्र. वर्ष Crop Year | क्र. वर्ष Crop Year | |
| 26 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| 27 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| 28 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| 29 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| 30 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |

11/04/2022

दिनांक 1984-85

| खता खतौनी का क्रमांक S. No. of the Khata Khatoni | खतौदार का नाम/पिता का नाम मय निवास स्थान Name of the Khatedar/with Parentage and Address | भूमिदार के अधिकार प्राप्त होने का वर्ष Date of commencement of Bhoonidari rights | बाते के प्रत्येक गाटे का खसरा नम्बर Khasra No. of each Khata | प्रत्येक गाटे का क्षेत्रफल बीघों या एकड़ों में Area of each Khata No. in Bighas/Acres | भूमि कर या लगान Land Revenue OR Rent | परिवर्तन करने का अधिकार देने वाले अधिकारी का नाम, पद तथा अधिकार का नम्बर व तिथि जो कि दफ्तर कानूनगो द्वारा साक्षीकृत है। Name, Designation of the Authority for ordering change and No. & date of the order. | | | टिप्पणी REMARKS | | |
|---|---|---|---|--|---|---|------------------------|------------------------|--------------------|----|--|
| | | | | | | क्र. वर्ष Crop Year | क्र. वर्ष Crop Year | क्र. वर्ष Crop Year | | | |
| 34 | सुखदेव प्रसाद | 1983-84 | 86 | 9-12 | 2-73 | 7 | 8 | 9 | 10 | 11 | |
| 34 | सुखदेव प्रसाद | | 88 | 9-17 | | | | | | | |
| 35 | सुखदेव प्रसाद | | | 19-9 | | | | | | | |
| 35 | सुखदेव प्रसाद | 1954-55 | 369/21 | 2-6 | 6-93 | | | | | | |
| | सुखदेव प्रसाद | | 45/5 | 6-3 | | | | | | | |
| | सुखदेव प्रसाद | | 48 | 3-11 | | | | | | | |
| | सुखदेव प्रसाद | | 49 | 8-9 | | | | | | | |
| | सुखदेव प्रसाद | | 58 | 5-15 | | | | | | | |
| | सुखदेव प्रसाद | | 72 | 4-10 | | | | | | | |
| | सुखदेव प्रसाद | | 388/77 | 0-5 | | | | | | | |
| | सुखदेव प्रसाद | | 78 | 4-6 | | | | | | | |
| | सुखदेव प्रसाद | | 306/369/42 | 6-17 | | | | | | | |
| | सुखदेव प्रसाद | | 452/90 | 5-14 | | | | | | | |
| | सुखदेव प्रसाद | | 91 | 1-5 | | | | | | | |

27

ऑफिस कामनामी
रहस्यीय दस्तावेज विहार
कायदा
जिल्ला: पश्चिम-पश्चिम

4 ①

फार्म P-4 / Form P-4
(देखें नियम 54 / See Rule 54)

साल
YEAR 2005-06

उपरी
ससरा गिरदावरी /
Khasra Girdawari

तहसील
Tehsil

जिला पश्चिम-पश्चिम दिल्ली /
District South West Delhi

| खेत का क्रमांक Number of Field | क्षेत्रफल एकड़ों में या बीघमों में Area in acres or settlement Bighas | कर्मचारी खाना खोरा Number of Khatauni Khata | नाम भूमिदार खाना खोरा के रूप में Name of tenure holder if any as classified in part I of the Khatauni | नाम खाना खोरा के खोरा के खोरा के रूप में Name of tenure holder if any as classified in part II of the Khatauni | कुआँ व सिंचनाई के अन्य साधन Method of irrigation & wells | सावनी / Kharif | | रबी / Rabi | | जायद खेती / Zaid Rabi | | डोसाही / Dofasli | | सेकुरस और कायदा सुव्यवस्था विवरण Details of uncropped land to agree with columns of the area statement | विकल्प REMARKS | |
|-----------------------------------|--|--|--|---|---|----------------|--------------------|-----------------------|-------------|-----------------------|-----------------------|------------------|--------------------|---|-------------------|-----------------------|
| | | | | | | खेती / crop | सिंचित / irrigated | असिंचित / unirrigated | खेती / crop | सिंचित / irrigated | असिंचित / unirrigated | खेती / crop | सिंचित / irrigated | | | असिंचित / unirrigated |
| 1 | | | | | | | | | | | | | | | | |
| 178 186 187 188 | 0-9 | 18 | ससरा गिरदावरी ससरा गिरदावरी 18 | | | | | | | | | | | | | |
| 178 186 187 188 | 1-4 | | ससरा गिरदावरी | | | | | | | | | | | | | |
| 178 186 187 188 | 3-12 | 30 | ससरा गिरदावरी ससरा गिरदावरी ससरा गिरदावरी | | | | | | | | | | | | | |
| 178 186 187 188 | 3-12 | 4 | ससरा गिरदावरी | | | | | | | | | | | | | |
| 88 | 9-12 | 34 | ससरा गिरदावरी ससरा गिरदावरी 86 | | | | | | | | | | | | | |

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH AT NEW DELHI

APPLICATION No.

In: -

Kamlesh Jonwal,
President RWA,
Kaveri Apartment, D-6, Vasant Kunj,
New Delhi-110070

Petitioner

VERSUS

Uday Punj,

Respondent

KNOW ALL to whom these presents shall come that I Uday Punj/ Respondent No. 1, do hereby appoint Miss Madhumita Singh & Mr. Sameer Sood (herein after called the advocate/s) to be my/our Advocates in the above-noted case authorize him: -

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each court by me/us.

To sign, file verify and present pleadings, appeals cross-objections or petitions for execution review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages.

To file and take back documents to admit and/ or deny the documents of opposite party.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.

To take execution proceedings.

To deposit, draw and receive money, cheques, cash and grant receipts hereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.

To appoint and Instruct any other Legal Practitioner, authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever they may think fit to do so and to sign the Power of Attorney on our behalf.



(Handwritten signature)

And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/ us to all intents and purposes.

And I/ We undertake that I/We or my/our duly authorized agent would appear in the Court on all hearings and will inform the Advocate for appearance when the case is called.

And I/We undersigned do hereby agree not to hold the Advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain himself.

And I/We the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/ us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/We hereby agree that once the fee is paid. I/We will not be entitled for the refund of the same in any case whatsoever.

IN WITNESS WHEREOF I/We do hereunto set my/our hand to these presents the contents of which have been undersigned by me/ us on this 22nd Dec..... day of of 2022.

Accepted subject to the terms of fees.


Advocate


Client