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

% Judgment delivered on: 15.12.2015

+ **WP(C) No.325/2015 & CM No. 514/2015**

HANS RAJ AND ORS.

.... Petitioners

versus

GOVT. OF NCT OF DELHI & ORS.

..... Respondents

Advocates who appeared in this case:

For the Petitioners : Mr R.B. Sisodia, Mr Ram Kumar, Ms Raj
Kumari and Mr Sushil Kumar, Advocates.

For the Respondents : Mr Siddharth Panda, Advocate for L&B/LAC
Mr Sanjeev Sabharwal, Standing Counsel for
DDA

CORAM:-

HON'BLE MR JUSTICE BADAR DURREZ AHMED

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

BADAR DURREZ AHMED, J (ORAL)

1. The counter affidavits handed over by Mr Panda on behalf of respondent Nos.1 and 2 are taken on record. The learned counsel for the petitioners does not wish to file any rejoinder affidavit inasmuch as he would be relying on the averments made in the writ petition.

2. The petitioners seek 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. A declaration is sought to the effect that the acquisition proceeding initiated under the Land Acquisition Act, 1894 (hereinafter referred to as 'the 1894 Act') in respect of which Award No.08/1980-81 dated 09.01.1981 was made, *inter alia*, in respect of the petitioners' land comprised in Khasra Nos. 61/5 (4-16) and 61/6 (4-16) in all 9 Bighas and 12 Biswas in Village Mehrauli, New Delhi, shall be deemed to have lapsed.

3. It is an admitted position that the physical possession of the said land was taken on 06.01.1979.

4. In so far as the question of compensation is concerned, the same has not been paid to the petitioners but, according to the respondents, the same has been deposited in the treasury. But, that would not amount to payment of compensation as held by the Supreme Court in **Pune Municipal Corporation and Anr v. Harakchand Misirimal Solanki and Ors: (2014) 3 SCC 183**. Therefore, it is clear that the award was made more than 5 years prior to the commencement of the 2013 Act, and the compensation has also not been paid to the petitioners.

5. All the necessary ingredients for the application of Section 24(2) of the 2013 Act as interpreted by the Supreme Court and this Court in the following cases stand satisfied:-

- (1) **Union of India and Ors v. Shiv Raj and Ors: (2014) 6 SCC 564;**
- (2) **Sree Balaji Nagar Residential Association v. State of Tamil Nadu and Ors: Civil Appeal No. 8700/2013** decided on 10.09.2014;
- (3) **Surender Singh v. Union of India & Others: WP(C) 2294/2014** decided on 12.09.2014 by this Court; and
- (4) **Girish Chhabra v. Lt. Governor of Delhi and Ors: WP(C) 2759/2014** decided on 12.09.2014 by this Court.

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

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

BADAR DURREZ AHMED, J

SANJEEV SACHDEVA, J

DECEMBER 15, 2015

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