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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 25.05.2015

W.P.(C) 1057/2015 & CM No.1862/2015

GOBIND RAM ARORA & ORS.

..... Petitioners

versus

UNION OF INDIA AND ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioners : Mr S.K.Rout

For the Respondents : Mr Yeeshu Jain and Ms Jyoti Tyagi for R-1 & 3.
Mr Ajay Arora for R-2.

CORAM:

HON'BLE MR JUSTICE BADAR DURREZ AHMED

HON'BLE MR JUSTICE SANJEEV SACHDEVA

J U D G M E N T

BADAR DURREZ AHMED, J (ORAL)

1. The counter affidavit handed over by Mr Yeeshu Jain, the learned counsel appearing on behalf of respondent Nos. 1 and 3 is taken on record. The learned counsel for the petitioners does not wish to file any rejoinder affidavit and places reliance on the averments already contained in the writ petition.

2. By way of this writ petition the petitioners are seeking 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 petitioners, consequently, seek 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.102/1986-87 dated 19.09.1986 was made, *inter alia*, in respect of the petitioners' land comprised in plot No. F.22/2, Krishan Nagar measuring 442 square yards in Village Ghondli, shall be deemed to have lapsed.

3. It is an admitted position that neither physical possession of the subject land has been taken by the land acquiring agency, nor has any compensation been paid to the petitioners. The award was made more than five years prior to the commencement of the 2013 Act. All the ingredients of section 24(2) of the 2013 Act as interpreted by the Supreme Court and this Court in the following decisions stand satisfied:-

- (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;
- (iv) **Surinder Singh vs. Union of India and Ors.:** W.P.(C) 2294/2014 decided 12.09.2014 by this Court.

4. The learned counsel for the respondents have raised the issue that the present petitioners are subsequent purchasers. The aspect of the subsequent purchasers has been considered by this Court in several decisions including the decision in **Ranjana Bhatia v. Government of NCT of Delhi** in W.P.(C) 2210/2010 decided on 28.10.2014 and the issue has been decided against the respondents.

5. 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.

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

BADAR DURREZ AHMED, J

SANJEEV SACHDEVA, J

MAY 25, 2014
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