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

% Judgment delivered on: 05.10.2015

+ **W.P.(C) 879/2015**

MANOJ KUMAR & ORS.

.... Petitioners

versus

UNION OF INDIA & ORS.

..... Respondents

Advocates who appeared in this case:

For the Petitioners : Mr S.N. Kumar with Mr K.B. Soni, Advocates.
For the Respondents : Mr Bhagvan Swarup Shukla, Advocate for
respondent No.1.
Mr Yeeshu Jain with Ms Jyoti Tyagi, Advocates
for respondent Nos.2 & 3.

CORAM:-

HON'BLE MR JUSTICE BADAR DURREZ AHMED

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

BADAR DURREZ AHMED, J (ORAL)

1. 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. 7A/69-70 dated 21.02.1970 was made, *inter alia*, in respect of

the petitioners' land comprised in Khasra No. 183 measuring 470 sq. yards in all in village Shakarpur Khas, Delhi, shall be deemed to have lapsed.

2. The respondents admit that the possession of the subject land was not taken. Insofar as the compensation is concerned, the case of the petitioners is that the compensation was neither offered nor paid to them nor to their predecessor in interest. The stand of the respondents, however, is that the *Naksha Muntazamin* is torn and, therefore, they are not in a position to specifically state as to whether the compensation has been paid or not. In these circumstances, the averments made by the petitioners would have to be accepted which would mean that compensation has not been paid.

3. Thus, neither the possession has been taken nor has the compensation been paid and the award has been made more than five years prior to the commencement of the 2013 Act. 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) **Pune Municipal Corporation and Anr v. Harakchand Misirimal Solanki and Ors:** (2014) 3 SCC 183;
- (2) **Union of India and Ors v. Shiv Raj and Ors:** (2014) 6 SCC 564;
- (3) **Sree Balaji Nagar Residential Association v. State of Tamil Nadu and Ors:** Civil Appeal No. 8700/2013 decided on 10.09.2014;
- (4) **Surender Singh v. Union of India & Others:** WP(C) 2294/2014 decided on 12.09.2014 by this Court; and
- (5) **Girish Chhabra v. Lt. Governor of Delhi and Ors:** WP(C) 2759/2014 decided on 12.09.2014 by this Court.

4. 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.

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

BADAR DURREZ AHMED, J

OCTOBER 05, 2015
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SANJEEV SACHDEVA, J