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

**Judgment delivered on: 05.10.2015**

**W.P.(C) 1426/2015 & CM No.2491/2015**

**RAJENDER SINGH CHAUHAN & ORS.**

..... Petitioners

versus

**LT. GOVERNOR & ORS.**

..... Respondents

**Advocates who appeared in this case:**

For the Petitioner : Mr Akhilesh Arora, Advocate.

For the Respondents : Mr Yeeshu Jain with Ms Jyoti Tyagi, Advocates for respondent Nos.1, 2 & 3.

Mr Sanjeev Sabharwal, Advocate for respondent No.4.

**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)**

**CM No.11331/2015 (for impleadment)**

This is an application seeking to implead certain parties as petitioners.

In the original writ petition, the claim was in respect of 1/8<sup>th</sup> share in the subject land but now the petitioner wants to add the other petitioners so that

the entire share in the subject land is made a subject matter of the present petition.

We have heard the counsel for the parties. The impleadment application is allowed. The amended memo of parties is taken on record.

**W.P.(C) 1426/2015 & CM No.2491/2015**

1. The learned counsel for the petitioners states that this matter is covered by the decision of this Court in the case of **Girish Chhabra vs. Lt. Governor of Delhi and Ors.:** W.P.(C) 2759/2011 decided on 12.09.2014. He states that although possession of the subject land has been taken, the award under the Land Acquisition Act, 1894 (hereinafter referred to as ‘the 1894 Act’) was made more than five years prior to the commencement 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. In this case Award No.82/82-83 was made on 15.03.1983. He also states that compensation has not yet been paid to the petitioners. Therefore, the requirements of section 24(2) of the 2013 Act have been fulfilled and the petitioners are entitled to a declaration that the subject acquisition under the 1894 Act has lapsed. The land in question is situated in Village Dhaka in Khasra Nos. 290(06-18), 291(06-05), 292(06-14) and 293(03-06) measuring 23 bighas 3 biswas in all.

2. Admittedly, though physical possession of the subject land has been taken on 16.01.2008, compensation has not been paid to the petitioners. The Award is also more than five years prior to the commencement of the 2013 Act. Consequently, the decision of this Court in *Girish Chhabra (supra)* applies on all fours and the subject acquisition has lapsed.

3. The writ petition is allowed by declaring that the acquisition in respect of the subject land has lapsed. The petitioners are granted liberty to seek their appropriate remedies with regard to the rest of the reliefs. There shall be no order as to costs.

**BADAR DURREZ AHMED, J**

**SANJEEV SACHDEVA, J**

**OCTOBER 05, 2015**  
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