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

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Judgment delivered on: 05.10.2015

+ **W.P.(C) 1637/2015 & CM No.2939/2015**

**MAHARAJ SINGH & ORS.**

**.... Petitioners**

**versus**

**LAND ACQUISITION COLLECTOR (CENTRAL) & ANR.**

**..... Respondents**

**Advocates who appeared in this case:**

For the Petitioner : Mr Anuroop P.S., Advocate.

For the Respondents : Mr Sanjay Kumar Pathak, Mr Sunil Kumar Jha and Mr Kaushal Raj Tater, Advocates for respondent No.1.  
Ms Mrinalini S. Gupta with Ms Mrinmoi Chatterjee, Advocates for respondent No.2.

**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 proceedings initiated under the Land Acquisition Act, 1894 (hereinafter referred to as 'the 1894 Act') in respect of which Award No.240/86-87 dated 21.09.1986 was made, *inter alia*, in respect of the

petitioners' land comprised in Khasra Nos. 293/57/2 Min measuring 5 bighas 18 biswas in all in village Wazirabad shall be deemed to have lapsed.

2. It is an admitted position that the physical possession of the subject land was not taken over by the land acquiring agency. Insofar as the issue of compensation is concerned, the case of the petitioners is that the compensation has neither been offered nor paid to them. The stand of the respondents, however, is that as per the *Naksha Muntzmin* there is a reference of some disputes but since Statement A is not available, they cannot state with any degree of clarity as to whether the money was deposited in Court or not. In these circumstances, the averments made by the petitioners would have to be accepted which would mean that the compensation has not been paid.

3. Admittedly, the physical possession of the subject land is with the petitioners, the award was made more than five years prior to the commencement of the 2013 Act and compensation has also not been paid.

4. 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) *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.

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**

**OCTOBER 05, 2015**  
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