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

% Judgment delivered on: 22.09.2015

+ W.P.(C) 4477/2013 & CM 6510/2015

SUBHASH GUPTA AND ANOTHER Petitioners

versus

**UOI THROUGH LAND
ACQUISITION COLLECTOR** Respondent

Advocates who appeared in this case:

For the Petitioners : Mr Bhagwat Prashad

For the Respondent : Mr Yeeshu Jain with Ms Jyoti Tyagi

CORAM:-

HON'BLE MR JUSTICE BADAR DURREZ AHMED

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

BADAR DURREZ AHMED, J (ORAL)

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 v. 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 two Awards were made, namely, Award No. 14/2002-03 dated 08.07.2002 and the Award No.6/2005-06 dated 12.07.2005. 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 Prehlad Pur Bangar in Khasra No.61/1 (2-08) measuring 2 bighas 8 biswas in all. The first Award was made in respect of 1 bigha 10 biswas and the second Award was made in respect of 18 biswas of land.

2. Admittedly, though physical possession of the subject land has been taken on 09.05.2000 and 31.08.2005, 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. There shall be no order as to costs.

BADAR DURREZ AHMED, J

SEPTEMBER 22, 2015
SR

SANJEEV SACHDEVA, J

