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

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Judgment delivered on: 14.07.2015

+ **W.P.(C) 2679/2015 & CM 4785/2015**

RAJ BIR SINGH & ORS

.... Petitioners

versus

UNION OF INDIA & ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr Rajesh Gupta
For the Respondent L&B/LAC : Mr Yeeshu Jain with Ms Jyoti Tyagi
For the Respondent DDA : Mr Arun Birbal

CORAM:-

HON'BLE MR JUSTICE BADAR DURREZ AHMED

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

BADAR DURREZ AHMED, J (ORAL)

1. The counter affidavit on behalf of respondent nos. 4 and 5 handed over by Mr Yeeshu is taken on record. The learned counsel for the petitioners does not wish to file any rejoinder affidavit and relies on the averments already made in the writ petition.

2. 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. 16/2005-06 dated 14.09.2005 was made, *inter alia*, in respect of the petitioners' land comprised in Khasra Nos. 23//15 (4-16) and 23//16 (4-16) measuring 9 bighas 12 biswas in all in village Mubrak Pur Dabas, New Delhi, shall be deemed to have lapsed.

3. The petitioners claim that physical possession of the entire land is with them. However, the respondents claim that possession of 1 bigha out of khasra nos. 23//16 has been taken by them. In respect of the balance land it is admitted that possession could not be taken. Insofar as the 1 bigha of land, which the respondents claim to have taken possession of, is concerned, the petitioners dispute this fact. As regards the issue of compensation, it the case of the petitioners that compensation has neither been offered nor paid to the petitioners. This fact is admitted by the respondents.

4. Without going into the controversy of physical possession, this much is clear that the Award was made more than five years prior to the commencement of the 2013 Act and the compensation has also not been

paid. 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.

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

**JULY 14, 2015
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SANJEEV SACHDEVA, J