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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 15.09.2015

W.P.(C) 5082/2014

JAI BHAGWAN & ORS

..... Petitioners

versus

LT. GOVERNOR OF DELHI & ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioners : Mr N.Prabhakar and Mr Dhruv Sharma

For the Respondents : Mr Yeeshu Jain and Ms Jyoti Tyagi, Advocates for L&B/LAC
Mr Arjun Pant Advocate for DDA

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)

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. The petitioners consequently seek a declaration that the acquisition proceeding initiated under the Land Acquisition Act, 1894 (hereinafter referred to as 'the 1894 Act') and in respect of which Award No.80E/70-71 dated 09.01.1981 was made, *inter*

alia, in respect of the petitioners' land to the extent of 1/3rd share comprised in Khasra Nos.2635/1678/1 (7-02), 2498/182 (2-00), 153 (9-00), 2496/179 (3-03) and full share in Khasra No. 2506/1205 (1-08) in all in village Mehrauli, shall be deemed to have lapsed. The total extent of petitioners' 1/3rd share in four of the aforesaid khasras, as mentioned above, is to the extent of 7 bighas and 1 ½ biswas. The petitioners also have 1 bigha and 8 biswas of land in Khasra No.2506/1205.

2. The possession of the entire land except Khasra No. 2496/179 has admittedly been taken by the land acquiring agency on 23.09.1981. Insofar as compensation is concerned, it is an admitted position that the petitioners have not received any compensation in respect of their said land. The award has been made more than five years prior to the commencement of the 2013 Act. Consequently, the ingredients of Section 24(2) of the 2013 Act, as interpreted by the Supreme Court, and this Court in the following decisions 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.

3. 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.

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

BADAR DURREZ AHMED, J

SANJEEV SACHDEVA, J

SEPTEMBER 15, 2015
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