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

% Judgment delivered on: 07.09.2015

+ **W.P.(C) 3284/2015 & CM No.5883/2015**

SANDHYA WINDLASS

.... Petitioner

versus

LT. GOVERNOR, GOVT OF NCT OF DELHI AND ORS.

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr Manish Kaushik, Advocates.

For the Respondents : Mr Siddharth Panda, Advocates for respondent Nos.1, 3 & 4.

Ms Misha Rohtagi, Advocate for Govt. of NCT of Delhi.

CORAM:-

HON'BLE MR JUSTICE BADAR DURREZ AHMED

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

BADAR DURREZ AHMED, J (ORAL)

1. The petitioner seeks 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.14/1987-88 dated 26.05.1987 was made, *inter alia*, in respect of the petitioner's land comprised in Khasra Nos. 713/2 (4-03) and 717 Min (2-08) & 718/2 (4-03) measuring 10 bighas 14 biswas in all in village Satbari shall be deemed to have lapsed.

2. Though the respondents claimed that possession of the said land was taken on 14.07.1987, the petitioner disputes this and maintains that physical possession has not been taken. However, insofar as the issue of compensation is concerned, it is an admitted position that it has not been paid. It is, however, contended by the learned counsel for the respondent that the amount has been deposited in the treasury. But, that does not amount to payment of compensation as held in **Pune Municipal Corporation and Anr. v. Harakchand Misirimal Solanki & Ors: (2014) 3 SCC 183**, unless and until the same had been offered to the land owners.

3. 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.

4. As a result, the petitioner is 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.

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

BADAR DURREZ AHMED, J

SEPTEMBER 7, 2015
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SANJEEV SACHDEVA, J