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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 08.09.2015

W.P.(C) 5147/2014 & CM 10264/2014

SUNIL SIKKA

..... Petitioner

versus

UNION OF INDIA AND ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioner	: Ms Malini Sud & Ms Vidhi Goel
For the Respondent UOI	: Mr Jasmeet Singh
For the Respondent LAC/L&B	: Mr Yeeshu Jain with Ms Jyoti Tyagi
For the Respondent DDA	: Mr Arjun Pant

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 learned counsel for the petitioner states that this matter is covered by the decision of this Court in the case of **Girish Chhabra vs. 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 Award No.1/2007-08 was made on 07.08.2007. He also states that compensation has not yet been paid to the petitioner. Therefore, the requirements of section 24(2) of the 2013 Act have been fulfilled and the petitioner is entitled to a declaration that the subject acquisition under the 1894 Act has lapsed. The land in question is situated in village Bamnoli, New Delhi, in Khasra No.17//9/2 (1-11), 12 (4-16), 19 (4-16) and 22 (2-18) measuring 14 bighas 1 biswas in all.

2. Mr Yeeshu Jain appearing on behalf of the Land Acquisition Collector says that enhanced compensation was deposited in the Reference Court on 24.02.2011. However, annexure P-6 to the petition is a response to an RTI query issued by the PIO/LAC (HW) which clearly states that compensation of the khasra nos. in question has not been paid and that the same is lying with the Land Acquisition Collector (South-West). In these circumstances, it will have to be taken as an admitted case of compensation not having been paid.

3. Thus, though physical possession of the subject land has been taken on 14.09.2007, compensation has not been paid to the petitioner. 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.

4. 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

SANJEEV SACHDEVA, J

SEPTEMBER 08, 2015

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