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

**Judgment delivered on: 03.08.2015**

**W.P.(C) 3538/2015**

**RAM PRAKASH MITTAL AND ORS**

..... Petitioners

versus

**LT. GOVERNOR OF DELHI & ORS.**

..... Respondents

**Advocates who appeared in this case:**

For the Petitioners

: Ms Esha Mazumdar with Mr Setu Nimet

For the Respondent L&B/LAC

: Mr Yeeshu Jain with Ms Jyoti Tyagi

For the Respondent DDA

: Mr Dhanesh Relan with Mr Arush Bhandari

**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)**

**CM No. 6298/2015**

This is an application for condonation of delay in preferring the present petition.

The application is allowed.

The application stands disposed of.

**W.P.(C) 3538/2015 & CM 6296/2015**

1. The counter affidavit handed over by Mr Yeeshu Jain on behalf of respondent nos. 3 and 4 is taken on record. The learned counsel for the petitioners does not wish to file any rejoinder affidavit inasmuch as all the necessary averments are contained in the writ petition.

2. By way of this writ petition 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.6/2005-06 dated 12.07.2005 was made, *inter alia*, in respect of the petitioners' land comprised in Khasra Nos. 51/20 min (1-00), 51/11 (0-07), 51/20 min (1-08), 51/11 (1-00) and 51/20 min (1-00) measuring 4 bighas 15 biswas in village Pehladpur Bangar, New Delhi, shall be deemed to have lapsed.

3. It is an admitted position that neither physical possession of the subject lands has been taken by the land acquiring agency, nor has any compensation been paid to the petitioners. The award was made more than five years prior to the commencement of the 2013 Act. All 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:-

- (i) **Pune Municipal Corporation and Anr v. Harakchand Misirimal Solanki and Ors:** (2014) 3 SCC 183;
- (ii) **Union of India and Ors v. Shiv Raj and Ors:** (2014) 6 SCC 564;
- (iii) **Sree Balaji Nagar Residential Association v. State of Tamil Nadu and Ors:** Civil Appeal No. 8700/2013 decided on 10.09.2014; and
- (iv) **Surender Singh v. Union of India and Ors.:** W.P.(C) 2294/2014 decided 12.09.2014 by this Court.

4. 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 lands 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**

**SANJEEV SACHDEVA, J**

**AUGUST 03, 2015**  
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