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

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Judgment delivered on: 10.03.2015

+ **WP(C) No. 7125/2014 and CM No. 16685/2014**

VED PRAKASH AND ORS

.... Petitioners

versus

LAND ACQUISITION COLLECTOR AND ANR

..... Respondents

Advocates who appeared in this case:

For the Petitioners : Mr Dhruv Madan and Ms Aseem Nayyar
For the Respondent No.1 : Mr Yeeshu Jain and Ms Jyoti Tyagi
For the Respondent No. 2 : Mr Sanjeev Sabharwal

CORAM:-

HON'BLE MR JUSTICE BADAR DURREZ AHMED

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

BADAR DURREZ AHMED, J (ORAL)

1. Mr Yeeshu Jain, the learned counsel, has handed over the counter affidavit on behalf of Land Acquisition Collector. The same 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. The learned counsel for the petitioners states that this matter is covered by the decision of this court in the case of **Girish Chhabra v. Lt. Governor of Delhi and Ors.: W.P.(C) 2759/2011** decided on 12.09.2011. 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. 36/80-81 was made on 19.06.1980. He also states that compensation has not yet been paid to the petitioners. Therefore, the requirements of section 24(2) of the 2013 Act have been fulfilled and the petitioners are entitled to a declaration that the subject acquisition under the 1894 Act has lapsed. The land in question is situated in Village Lado Sarai in Khasra Nos. 399, 400, 401, 402, 406, 407, 408, 409, 412, 416, 419, 420 and 421 measuring 80 bighas and 10 biswas in all (1/2 share).

3. Admittedly, though physical possession of the subject land has been taken on 24.06.1980, compensation has not been paid to the petitioners. 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

MARCH 10, 2015
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