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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 27.04.2015

W.P.(C) 7660/2014 & CM No.18043/2014

MANAV MANDIR MISSION TRUST

..... Petitioner

versus

LAND ACQUISITION COLLECTOR AND ANR

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr U.M. Bachhawat, Sr Advocate with Ms Neelam Rathore and Mr Anshuman, Advocates.

For the Respondents : Mr Yeeshu Jain with Ms Jyoti Tyagi, Advocates for respondent No.1.
Ms Mrinalini S. Gupta with Ms Mrinmoi Chatterjee, Advocates for respondent No.2

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. By way of this writ petition the petitioner is seeking 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 petitioner, consequently, seeks 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.15/92-93 dated 19.06.1992 was made, *inter alia*, in respect of the petitioner's land comprised in Khasra No. 57 (3-07) measuring 3 Bighas 7 Biswas in Village Behlolpur Khadar shall be deemed to have lapsed.

2. It is an admitted position that physical possession of the subject land has not been taken by the land acquiring agency. It is the case of the petitioner that the compensation has also not been paid to the petitioner. On the other hand, the learned counsel for the respondent takes a stand that the compensation has been paid to some persons namely Pritam Singh, Chetram, Kishan Lal, Horam, Dayaram, Kishan, Ghananand, Nirbhay, Rishipal, Harpal, Hariram and Gurcharan. The stand taken by the respondent is also that it is not clear from the record as to whether the land belongs to the petitioner or not. Be that as it may. The award specifically mentions the petitioner at serial No.86. The position that emanates from the above stands taken by the parties is that, admittedly, possession has not been taken though there is some dispute with regard to compensation. The award was also 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;
- (iv) **Surinder Singh vs. Union of India and Ors.:** W.P.(C) 2294/2014 decided 12.09.2014 by this Court.

3. 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.

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

APRIL 27, 2015

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