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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 25.08.2015

W.P.(C) 4438/2015 & CM 8056/2015

SUNANDA JAIN AND ANR

..... Petitioners

versus

UNION OF INDIA AND ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioner	: Ms Rachna Agrawal
For the Respondent UOI	: Ms Archana Gaur
For the Respondent DDA	: Mr Dhanesh Relan
For the Respondent L&B/LAC	: Mr Sanjay Kumar Pathak with Mr Sunil Kumar Jha

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 counter affidavit handed over by Mr Pathak on behalf of respondent nos. 4 and 5 is taken on record. The reply affidavit to the interim application is also taken on record. The petitioners do not wish to file any rejoinder affidavit inasmuch as she would be relying on the averments made 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') in respect of (i) Award No.2/1998-99/SW dated 06.01.1997 was made, *inter alia*, in respect of the petitioners' land comprised in khasra nos. 1229 (4-09), 1274/3 (3-7) and 1278 (4-06); and (ii) Award No. 7/1998-99/SW dated 21.06.1999 which was made, *inter alia*, in respect of the petitioners' land comprised in khasra nos. 823 (4-16) and 824/2 (5-1) measuring measuring 21 bighas 19 biswas (20/594th share) in village Malikpur Kohi @ Rangpuri, 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 awards were 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 25, 2015

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