

\$~74

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

**Judgment delivered on: 23.03.2015**

**W.P.(C) 8112/2014 & CM 18913/2014**

**ARUN PATHAK**

..... Petitioner

versus

**UNION OF INDIA AND ANR**

..... Respondents

**Advocates who appeared in this case:**

|                          |                                                          |
|--------------------------|----------------------------------------------------------|
| For the Petitioner       | : Mr Bharat Beriwal                                      |
| For the Respondents No.1 | : Mr Bhagvan Swarup Shukla with Mr Ajay Kumar Choudhary. |
| For the Respondent LAC   | : Mr Yeeshu Jain with Ms Jyoti Tyagi                     |
| For the Respondent No.4  | : Mr Manu Mridul with Ms Ragini.                         |

**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 respondent has handed over the counter affidavit on behalf of respondent no.2. The same is taken on record. The learned counsel for the petitioner does not wish to file any rejoinder affidavit

inasmuch as the averments contained in the writ petition would be relied upon.

2. 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.15/1987-88 dated 05.06.1987 was made, *inter alia*, in respect of the petitioner's land comprised in Khasra Nos. 1251 (2-1½), and 1256 min (4-03) measuring 6 bighas and 4 ½ biswas in village Chhattarpur, 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 petitioner. 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 petitioner is 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**

**MARCH 23, 2015**  
kb