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

% Judgment delivered on: 17.08.2015

+ W.P.(C) 8438/2014 & CM No. 19497/2014

SHYAM SINGH & ORS.

.... Petitioners

versus

LAND ACQUISITION COLLECTOR & ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr Anuroop P.S., Advocate

For the Respondents : Mr Yeeshu Jain & Ms Jyoti Tyagi, Advocates for
L&B/LAC.

CORAM:-

HON'BLE MR JUSTICE BADAR DURREZ AHMED

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

BADAR DURREZ AHMED, J (ORAL)

1. 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. A declaration is sought to the effect that the acquisition proceeding initiated under the Land Acquisition Act, 1894 (hereinafter referred to as 'the 1894 Act') in respect of which Award No. 87/80-81 dated 29.11.1980 was made, *inter alia*, in respect of the petitioner's land comprised in Khasra No. 1009/121 (4-06)

measuring 4 bighas 6 biswas in all in village Madanpur Khadar, New Delhi shall be deemed to have lapsed.

2. Learned counsel for the petitioners states that out of the 4 bighas 6 biswas of the land which is subject matter of this petition, the possession has not been taken in respect of 2 bighas 5 biswas whereas the possession of the balance 2 bighas and 1 biswas has been taken on 08.12.1980. This is also accepted by the learned counsel for the respondents.

3. Insofar as the question of compensation is concerned, the stand of the petitioners is that they had not received any compensation nor has the compensation amount been offered to them. On the other hand, the respondents contend that the records are not available and, therefore, they are not in a position to either confirm or contradict the statement of the petitioners that the compensation has not been paid to them. It is stated in the counter affidavit in paragraph 5 that efforts are still being made to trace the record with regard to the compensation. Be that as it may, the position as it obtains today is that the compensation has not been paid to the petitioners.

4. As noted above, it is an admitted position that physical possession of part of the subject land (2 bighas 5 biswas) has not been taken and in respect of 2 bighas 1 biswa the possession has been taken. But, it is clear that compensation has not been paid to the petitioners. That being the case, the provisions of Section 24(2) of the 2013 Act clearly apply in the light of the various decisions rendered by the Supreme Court and this Court in:

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

5. 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 land are deemed to have lapsed. It is so declared.

6. The writ petition is allowed to the aforesaid extent. There shall be no order as to costs.

BADAR DURREZ AHMED, J

AUGUST 17, 2015
rs

SANJEEV SACHDEVA, J