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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 06.10.2015

W.P.(C) 6153/2015

URMIL MAKKAR

..... Petitioner

versus

GOVT. OF NCT OF DELHI AND ORS.

..... Respondents

Advocates who appeared in this case:

For the Petitioner	: Mr Vishal Maan
For the Respondent LAC/L&B	: Mr Siddharth Panda
For the Respondent DDA	: Ms Shobhana Takiar

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 for respondent nos. 1&2 by Mr Yeeshu Jain on behalf of Mr Panda is taken on record. The learned counsel for the petitioner does not wish to file any rejoinder affidavit as the necessary averments are already contained in the writ petition.

2. The learned counsel for the petitioner states that this matter is covered by the decision of this Court in the case of **Girish Chhabra vs. Lt. Governor of Delhi and Ors.**: W.P.(C) 2759/2011 decided on 12.09.2014. 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.30/2002-03 was made on 09.12.2002. He also states that compensation has not yet been paid to the petitioner. Therefore, the requirements of section 24(2) of the 2013 Act have been fulfilled and the petitioner is entitled to a declaration that the subject acquisition under the 1894 Act has lapsed. The land in question is situated in village Poochanpur, Delhi, khasra nos. 19//12 min (0-09) and 19//13 min (0-11) measuring 1 bigha in all.

3. Admittedly, though physical possession of the subject land has been taken on 11.09.2002, compensation has not been paid to the petitioner. 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

OCTOBER 06, 2015

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