

THE HIGH COURT OF DELHI AT NEW DELHI

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Judgment delivered on: 06.10.2015

+ W.P.(C) 199/2015 & CM 318/2015

JAGBIR SINGH & ORS

... Petitioners

versus

UNION OF INDIA & ORS

... Respondents

Advocates who appeared in this case:

For the Petitioners	: Mr Nishant Prateek
For the Respondent No. 1	: Mr Bhagvan Swarup Shukla
For the Respondent No. 2	: Mr Yeeshu Jain with Ms Jyoti Tyagi
For the Respondent No. 3	: Mr Dhanesh Relan with Mr Arush Bhandari

CORAM:-

HON'BLE MR JUSTICE BADAR DURREZ AHMED

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

BADAR DURREZ AHMED, J (ORAL)

1. The counter-affidavit on behalf of respondent No.2 has been handed over by Mr Yeeshu Jain. The same is taken on record. The learned counsel for the petitioners does not wish to file any rejoinder affidavit inasmuch as he would be relying on the averments made in the writ petition.

2. The learned counsel for the petitioners 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.58/70-71 was made on 31.12.1970. He also states that compensation has not yet been paid to the petitioners. Therefore, the requirements of section 24(2) of the 2013 Act have been fulfilled and the petitioners are entitled to a declaration that the subject acquisition under the 1894 Act has lapsed. The land in question is situated in Khasra No.327 measuring 4 bighas 18 biswas (1/8th share) in all, in village Pitampura. The writ petition, being WP(C) 8441/2004, in respect of the co-sharers to the extent of 7/8th share, has already been allowed by this Court by virtue of the judgment dated 15.09.2015.

3. Admittedly, though physical possession of the subject land has been taken on 04.12.1991, compensation has not been paid to the petitioners. 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

**OCTOBER 06, 2015
SR**

SANJEEV SACHDEVA, J

