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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 24.03.2015

W.P.(C) 170/2015 & CM No.279/2015

VIJAY DHALL

..... Petitioner

versus

UNION OF INDIA AND ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr Sanjiv Bahl, Mr Karan Bharihoke and Mr Eklavya Bahl.
For the Respondents : Ms Mrinalini S. Gupta with Ms. M. Chatterjee for DDA.
Mr Sanjay Kumar Pathak, Mr Sunil Kumar Jha and
Mr Kushal Raj Tater for R-2 and R-3.
Mr Niraj Kumar for UOI.

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 on behalf of respondents No. 2 and 3 by Mr Sanjay Kumar Pathak is taken on record. Learned counsel for the

petitioner does not wish to file any rejoinder affidavit inasmuch as according to him all the necessary averments are 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.14/92-93 was made on 19.09.1992. 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 Kilokari in Khasra No.488/1 (0-14) measuring 14 biswas in all.

3. Admittedly, though physical possession of the subject land has been taken on 27.12.1990, 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

MARCH 24, 2015

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