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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 30.08.2016

W.P.(C) 269/2015 & CM 404/2015

KARAN SINGH & ORS.

..... Petitioners

versus

GOVT. OF NCT OF DELHI & ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioners	: Mr Vishal Maan with Shitiz Agnihotri
For the Respondent L&B/LAC	: Mr Yeeshu Jain with Ms Jyoti Tyagi
For the Respondent DDA	: Mr Dhanesh Relan with Ms Isha Garg

CORAM:

HON'BLE MR JUSTICE BADAR DURREZ AHMED

HON'BLE MR JUSTICE ASHUTOSH KUMAR

J U D G M E N T

BADAR DURREZ AHMED, J (ORAL)

1. The counter affidavit handed over by Mr Yeeshu Jain on behalf of respondents is taken on record. The learned counsel for the petitioners submits that he has already filed the rejoinder affidavit as an advance copy of the said counter affidavit was given to him.

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.10/1987-88 was made on 14.05.1987. 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 village Sayoorpur, Delhi, in khasra nos. 28/1 (3-06), 313 (4-16) and 317 (5-00) to the extent of 1/9th share of the petitioners amounting to 1 bigha 09 biswas in all (out of 13 bighas 2 biswas).

3. Admittedly, though physical possession of the subject land has been taken on 14.10.1987, 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

ASHUTOSH KUMAR, J

AUGUST 30, 2016

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