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

% Judgment delivered on: 15.02.2016

+ **WP(C) No.1221/2015**

GEETA GULATI AND ORS

.... Petitioners

versus

UNION OF INDIA AND ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioners : Mr Vikrant Sarin with Ms Madhulika Sarin
For the Respondent L&B : Mr Sanjay Kumar Pathak with Mr Sunil Kumar
Jha and Mr Kushal Raj Tater and Ms Shreya Kasera
For the Responswnr DDA : Mr J.H. Jafri

CORAM:-

HON'BLE MR JUSTICE BADAR DURREZ AHMED

HON'BLE MR JUSTICE R.K. GAUBA

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.48/1986-87 dated 19.09.1986 was made, *inter alia*, in respect of the petitioners' land comprised in Khasra Nos.52//3 (4-15) and 52//8 (2-16) measuring 7 bighas 11 biswas in all in village Ambarahai, Tehsil Mehrauli, New Delhi, shall be deemed to have lapsed.

2. It is an admitted position that the physical possession of the said land was taken on 09.07.2004.

3. It is an admitted position that the compensation for the said land has not been paid to the petitioners. But, according to the respondents the same has been deposited in the treasury.

4. Although physical possession has been taken by the land acquiring agency, this much is clear that the Award was made more than five years prior to the commencement of the 2013 Act and the compensation has also not been paid to the petitioner, but has only been deposited in the treasury, which does not amount to payment of compensation as interpreted by the Supreme Court in **Pune Municipal Corporation and Anr v. Harakchand Misirimal Solanki and Ors**: (2014) 3 SCC 183.

5. All the necessary ingredients for the application of Section 24(2) of the 2013 Act as interpreted by the Supreme Court and this Court in the following cases stand satisfied:-

- (1) **Union of India and Ors v. Shiv Raj and Ors:** (2014) 6 SCC 564;
- (2) **Sree Balaji Nagar Residential Association v. State of Tamil Nadu and Ors:** Civil Appeal No. 8700/2013 decided on 10.09.2014;
- (3) **Surender Singh v. Union of India & Others:** WP(C) 2294/2014 decided on 12.09.2014 by this Court; and
- (4) **Girish Chhabra v. Lt. Governor of Delhi and Ors:** WP(C) 2759/2014 decided on 12.09.2014 by this Court.

6. 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.

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

BADAR DURREZ AHMED, J

R.K. GAUBA, J

FEBRUARY 15, 2016
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