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

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Judgment delivered on: 11.01.2016

+ **W.P.(C) 939/2015 & CM No.1637/2015**

RAMESH SINGH & ORS.

.... Petitioners

versus

UNION OF INDIA & ORS.

..... Respondents

Advocates who appeared in this case:

For the Petitioners : Mr N.S. Vasisht with Ms Jyoti Kataria, Advocates.

For the Respondents : Ms Abha Malhotra with Mr Kushal Sharma, Advocates for respondent No.1.

Mr Arjun Pant, Advocate for respondent No.3.

Mr Yeeshu Jain with Ms Jyoti Tyagi, Advocates for respondent Nos.4 & 5.

CORAM:-

HON'BLE MR JUSTICE BADAR DURREZ AHMED

HON'BLE MR JUSTICE SANJEEV SACHDEVA

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.80-E/70-71 dated 09.01.1981 was made, *inter alia*, in respect

of the petitioners' 1/8th share in the land comprised in Khasra Nos.1238 Min (13-10) and 1238 (0-5) measuring 13 bighas 15 biswas (to the extent of 1/8th share therein) in all in village Mehrauli shall be deemed to have lapsed.

2. The respondents claim that possession of 13 bighas 10 biswas of land comprised in Khasra No.1238 Min was taken on 23.09.1981 and a further 5 bighas of land comprised in Khasra No.1238 was taken possession of on 19.06.1996. The petitioners, however, dispute this and maintain that physical possession has not been taken. However, insofar as the issue of compensation is concerned, it is clear that the petitioners have not been paid compensation though some of the other persons having land in the said khasra numbers have been paid compensation to the extent of their 3/8th share.

3. Without going into the controversy of physical possession, 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. 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) **Pune Municipal Corporation and Anr v. Harakchand Misirimal Solanki and Ors:** (2014) 3 SCC 183;
- (2) **Union of India and Ors v. Shiv Raj and Ors:** (2014) 6 SCC 564;
- (3) **Sree Balaji Nagar Residential Association v. State of Tamil Nadu and Ors:** Civil Appeal No. 8700/2013 decided on 10.09.2014;
- (4) **Surender Singh v. Union of India & Others:** WP(C) 2294/2014 decided on 12.09.2014 by this Court; and
- (5) **Girish Chhabra v. Lt. Governor of Delhi and Ors:** WP(C) 2759/2014 decided on 12.09.2014 by this Court.

4. 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.

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

BADAR DURREZ AHMED, J

JANUARY 11, 2016
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SANJEEV SACHDEVA, J