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

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Judgment delivered on: 23.08.2016

+ **WP(C) No.2044/2015 & CM 3658/2015**

**RAM PHAL AND ORS.**

.... Petitioners

versus

**UOI & ORS.**

..... Respondents

**Advocates who appeared in this case:**

For the Petitioners : Ms Rachna Agrawal.  
For the UOI : Mr Bhagwan Swarup Shukla, CGSC with Mr Vinod Tiwari,  
Govt. Pleader.  
For the DDA : Mr Sanjeev Sabharwal.  
For the L&B/LAC : Mr Siddharth Panda.

**CORAM:-**

**HON'BLE MR JUSTICE BADAR DURREZ AHMED**

**HON'BLE MR JUSTICE ASHUTOSH KUMAR**

**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.14/1987-88 dated 26.05.1987 was made, *inter alia*, in respect of the petitioners' land comprised in Khasra Nos.190(4-16) and 116(4-16) measuring 9 bighas and 12 biswas in village Satbari, Delhi, shall be deemed to have lapsed.

2. It is an admitted position that the physical possession of the said land was taken on 14.07.1987 in respect of Khasra No.190 and on 11.04.2013 in respect of Khasra No.116.

3. In so far as the question of compensation is concerned, the same has not been paid to the petitioners but, according to the respondents, the same has been deposited in the treasury. This, however, would 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.

4. 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.

5. 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. The petitioners are at liberty to seek their appropriate remedies in accordance with law.

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

**BADAR DURREZ AHMED, J**

**ASHUTOSH KUMAR, J**

**AUGUST 23, 2016**  
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