

IN THE HIGH COURT OF DELHI AT NEW DELHI

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Judgment delivered on: 08.12.2014

+ W.P.(C) 3845/2014

AMARJEET SINGH AND ORS

.... Petitioners

versus

**LAND ACQUISITION COLLECTOR
(SOUTH) AND ANR**

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr Deepak Khosla

For the Respondents : Mr Yeeshu Jain and Ms Jyoti Tyagi for the Respondent/L&B
and LAC

CORAM:-

HON'BLE MR JUSTICE BADAR DURREZ AHMED

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

JUDGMENT

BADAR DURREZ AHMED, J (ORAL)

1. The counter affidavit of respondent No. 1 handed over by the learned counsel Mr Yeeshu Jain is taken on record. The learned counsel for the petitioners does not wish to file any rejoinder affidavit and submits that he shall rely on the averments made in the writ petition.

2. 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. 18/87-88 dated 05.06.1987 was made, *inter alia*, in respect of the petitioners' land comprised in Khasra Nos. 2206/1046/2/1 (8-00), 2206/1046/2/2 (20-13), 2208/1046 (3-14), 2207/1046/2 (11-10), 2207/1046/2/2 (28-02) and 2207/1046/2/3 (24-16) measuring 96 bighas and 15 biswas in all in village Tughlaqabad shall be deemed to have lapsed.

3. The respondents claim that possession in respect of 38 bighas out of the said lands was taken on three separate dates, namely, 06.06.2013, 31.07.2013 and 31.12.2013. In respect of the balance land, it is an admitted position that possession was not taken. However, the petitioners maintain that physical possession of the entire land is with them and it has not been taken over by the land acquiring agency. Insofar as the issue of compensation is concerned, it is an admitted position that it has not been paid.

4. Insofar as the substantial portion of the land is concerned, as mentioned above, physical possession of the same has not admittedly been taken by the land acquiring agency. With regard to the balance land, there is a controversy as to who is in physical possession. But we need not go into this controversy inasmuch as the award was made more than five years prior to the commencement of the 2013 Act and, admittedly, compensation has 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.

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.

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

BADAR DURREZ AHMED, J

SIDDHARTH MRIDUL, J

DECEMBER 08, 2014
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