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

% Judgment delivered on: 19.09.2016

+ **W.P.(C) 2869/2015**

MANISH GUPTA

.... Petitioner

versus

GOVT. OF NCT OF DELHI AND ORS.

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Ms Iti Sharma and Mr Puneet Sharma.

For the LAC/L&B : Mr Yeeshu Jain with Ms Jyoti Tyagi.

For the DDA : Mr Sanjeev Sabharwal.

CORAM:-

HON'BLE MR JUSTICE BADAR DURREZ AHMED

HON'BLE MR JUSTICE ASHUTOSH KUMAR

JUDGMENT

BADAR DURREZ AHMED, J (ORAL)

1. The petitioner seeks 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. 22/2005-06 dated 10.01.2006 was made, *inter alia*, in respect of the petitioner's land comprised in Khasra No. 54//24 (04-16) to the

extent of 184 sq. yards in all in village Karala shall be deemed to have lapsed.

2. It is admitted that the respondents have not taken possession of the said land nor have they paid any compensation in respect thereof.

3. Since neither physical possession of the subject land has been taken by the land acquiring agency nor has any compensation been paid in respect thereof and the award also having been made more than 5 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) **Delhi Development Authority v. Sukhbir Singh & Ors:** Civil Appeal No.5811/2015 decided on 09.09.2016.

(5) **Surender Singh v. Union of India & Others: WP(C) 2294/2014** decided on 12.09.2014 by this Court; and

(6) **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 petitioner is 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.

6. Copy of this judgment be sent to the Gaon Sabha, Karala, through the Standing Counsel for the Government of NCT of Delhi for information.

BADAR DURREZ AHMED, J

ASHUTOSH KUMAR, J

SEPTEMBER 19, 2016/ab