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

% Judgment delivered on: 01.02.2016

+ **WP(C) No.2949/2015**

ANILJIT SINGH

.... Petitioner

versus

GOVT OF NCT OF DELHI & ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioner	:	Mr Gaurav M.Librahan
For the Respondent L&B/LAC	:	Mr Siddharth Panda
For the Respondent DDA	:	Mr Pawan Mathur

CORAM:-

HON'BLE MR JUSTICE BADAR DURREZ AHMED

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

BADAR DURREZ AHMED, J (ORAL)

WP(C) No.2949/2015 & CM No.5266/2015(stay)

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.14/1987-88 dated 26.05.1987 was made, *inter alia*, in respect of the petitioner's land comprised in Khasra Nos.824 (2-0) and 825 (3-16) measuring 5 bighas 16 biswas in all in village Satbari, New Delhi, shall be deemed to have lapsed.

2. The stand of the respondents is that physical possession of the said land was taken on 14.07.1987. This is disputed by the petitioner, who claims to be in actual physical possession of the subject land.

3. Insofar as the question of compensation is concerned, the same has not been paid or offered to the petitioner but, according to the respondents, the same has been deposited in the treasury. But this 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. Without going into the controversy with regard to physical possession, it is clear that the award, in the present case was made more than five years prior to the commencement of the 2013 Act and that compensation has also not been paid to the petitioner.

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. We are left to consider the contention raised by the learned counsel for the respondents that the present petition would not be maintainable by the petitioner because the petitioner is a subsequent purchaser. While it is true that, in the context of 1894 Act, the Supreme Court has held that a subsequent purchaser would not have a right to challenge the acquisition and would only have a right to compensation, we agree with Mr Librahan, the learned counsel for the petitioner, that the present petition as it now stands is not a challenge to the acquisition proceedings but a petition seeking declaration of rights which had accrued to the

petitioner by virtue of the deeming provision of section 24(2) of 2013 Act. Once the acquisition has lapsed because of the triggering of the deeming provision of section 24(2) of 2013 Act, the benefit of the same cannot be denied to the petitioner on the ground that he is a subsequent purchaser.

7. 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.

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

BADAR DURREZ AHMED, J

SANJEEV SACHDEVA, J

FEBRUARY 01, 2016

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