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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 24.05.2016

W.P.(C) 3423/2015 & CM No.6125/2015

GOVIND SINGH & ORS.

..... Petitioners

versus

GOVT. OF NCT OF DELHI AND ORS.

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr B.S. Maan, Mr Vishal Maan and Mr Naresh Maan, Advocates

For the Respondents : Mr Sanjay Kumar Pathak, Mr Sunil Kumar Jha and Mr Kushal Raj
Tater, Advocates for R-1 & R-2
Mr Mini Pushkarna, Standing Counsel, Ms Anushruti, Ms Namrata
Mukin and Ms Yoothica, Advocates for R-3
Mr Yeeshu Jain and Ms Jyoti Tyagi, Advocates for L&B/LAC

CORAM:

HON'BLE MR JUSTICE BADAR DURREZ AHMED

HON'BLE MR JUSTICE SANJEEV SACHDEVA

J U D G M E N T

BADAR DURREZ AHMED, J (ORAL)

1. By way of this writ petition the petitioners are seeking 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. The petitioners,

consequently, seek a declaration that the acquisition proceeding initiated under the Land Acquisition Act, 1894 (hereinafter referred to as 'the 1894 Act') and in respect of which Award No.1894/1966-67 dated 31.01.1966 was made, *inter alia*, in respect of the petitioner's land bearing property No. 11231/32, Ward No. XII, measuring 7978.4 sq. yards to the extent of 2655.2 sq. yards in Roop Nagar, Delhi shall be deemed to have lapsed.

2. Although the award was in respect of 7978.4 sq. yards, the physical possession of the same was taken over by the Land Acquiring Agency only to the extent of 5323.2 sq. yards, leaving 2655.2 sq. yards which is subject matter of the present petition. It is also pertinent to note that the compensation has been paid in respect of 5323.2 sq. yards but no compensation has been paid in respect of 2655.2 sq. yards which is subject matter of the present petition. It is, however, relevant to mention that initially compensation had been paid in respect of the entire 7978.4 sq. yards. But, because physical possession was taken only in respect of 5323.2 sq. yards and also because of the enhancement of compensation by the High Court, at the stage of execution, the amount already paid was adjusted only against 5323.2 sq. Yards resulting in a situation where no compensation was paid in respect of 2655.2 sq. yards. The award was also made more than five years

prior to the commencement of the 2013 Act. All the ingredients of section 24(2) of the 2013 Act as interpreted by the Supreme Court and this Court in the following decisions stand satisfied:-

- (i) **Pune Municipal Corporation and Anr v. Harakchand Misirimal Solanki and Ors:** (2014) 3 SCC 183;
- (ii) **Union of India and Ors v. Shiv Raj and Ors:** (2014) 6 SCC 564;
- (iii) **Sree Balaji Nagar Residential Association v. State of Tamil Nadu and Ors:** Civil Appeal No. 8700/2013 decided on 10.09.2014; and
- (iv) **Surender Singh v. Union of India and Ors.:** W.P.(C) 2294/2014 decided 12.09.2014 by this Court.

3. 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 lands are deemed to have lapsed. It is so declared.

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

BADAR DURREZ AHMED, J

SANJEEV SACHDEVA, J

MAY 24, 2016
RS