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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 01.02.2016

W.P.(C) 4100/2015

NAFE SINGH & ANR

..... Petitioners

versus

THE HON'BLE LIEUTENANT GOVERNOR & ORS Respondents

Advocates who appeared in this case:

For the Petitioners : Mr N.Prabhakar

For the Respondents : Mr Siddharth Panda for the L&B/LAC

For the Respondent/DDA : Ms Gurneet Kaur for Mr B.S.Dhir for the DDA.

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. The counter-affidavit handed over by Mr Siddharth Panda, the learned counsel on behalf of the respondent Nos.2 & 4, is taken on record. The learned counsel for the petitioners does not wish to file any rejoinder-affidavit and places reliance on the averments made in the writ petition.

2. The learned counsel for the petitioners states that this matter is covered by the decision of this Court in the case of **Girish Chhabra vs. Lt. Governor of Delhi and Ors.**: W.P.(C) 2759/2011 decided on 12.09.2014.

He states that although possession of the subject land has been taken, the award under the Land Acquisition Act, 1894 (hereinafter referred to as 'the 1894 Act') was made more than five years prior to the commencement 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. In this case, Award No.24A/74-75 (Suppl.) was made on 24.06.1983. He also states that compensation has not yet been paid to the petitioners. Therefore, the requirements of section 24(2) of the 2013 Act have been fulfilled and the petitioners are entitled to a declaration that the subject acquisition under the 1894 Act has lapsed. The land in question is situated in village Sultanpur in Khasra No.190/2 measuring 2 bighas 3 biswas ($\frac{3}{4}$ th share).

3. The learned counsel for the respondents states that physical possession of the subject land was taken on 27.06.1983. This is also admitted by the learned counsel for the petitioners. Insofar as compensation is concerned, it is the case of the petitioners that the same has not been offered or paid to them. The learned counsel for the respondents, however, contended that the compensation was deposited in the treasury. But, inasmuch as the same was neither offered nor paid to the petitioners, it cannot be regarded as

compensation having been paid within the meaning of Section 24(2) of the 2013 Act. Consequently, the decision of this Court in *Girish Chhabra (supra)* applies on all fours and the subject acquisition has lapsed.

4. The writ petition is allowed by declaring that the acquisition in respect of the subject land has lapsed. There shall be no order as to costs.

BADAR DURREZ AHMED, J

SANJEEV SACHDEVA, J

FEBRUARY 01, 2016
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