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

% Judgment delivered on: 25.04.2016

+ WP(C) No. 4572/2015 & CM 8278/2015

RAJINDER SINGH AND ORS.

.... Petitioners

versus

LAND ACQUISITION COLLECTOR SOUTH EAST AND ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioners : Mr Inder Singh with Mr Anuroop P.S.
For the Respondent LAC : Mr Yeeshu Jain with Ms Jyoti Tyagi
For the Respondent DDA : Mr Himanshu Bajaj

CORAM:-

HON'BLE MR JUSTICE BADAR DURREZ AHMED

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

BADAR DURREZ AHMED, J (ORAL)

1. 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. 50A/Suppl./69-70 dated 04.11.1981 was made, *inter alia*, in

respect of the petitioners' land comprised in Khasra No. 751 measuring 4 bighas 14 biswas in all in village Tuglakabad, New Delhi, shall be deemed to have lapsed.

2. Out of 4 bigha 14 biswas of land referred to above, it is the case of the respondents that possession of 2 bigha 14 biswas was taken on 02.09.2006 and possession of the remaining 2 bighas of land could not be taken. The case of the petitioners is that they are in actual physical possession of the entire 4 bighas 14 biswas.

3. Insofar as the question of compensation is concerned, the learned counsel for the respondents contend that Statement A is not available and, as such, they would not be in a position to state categorically as to whether compensation has been paid or not. In these circumstances, the averments made by the petitioners that they have not received any compensation would have to be accepted. The result is that without going into the controversy with regard to the physical possession insofar as 2 bighas 14 biswas of land is concerned, it is clear that the award was made more than five years prior to the commencement of the 2013 Act and compensation has also not been paid to the petitioners.

4. 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.

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

APRIL 25, 2016
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SANJEEV SACHDEVA, J