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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 14.03.2016

W.P.(C) 8059/2014 & CM No. 18823/2014

AVTAR SINGH SEJWAL AND ORS.

..... Petitioners

versus

**LAND ACQUISITION COLLECTOR
(SOUTH) AND ANR**

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr Sukhbir Sejwal and Mr Anroop P.S., Advocates
For the Respondents : Mr Yeeshu Jain, Ms Jyoti Tyagi and Mr Anshuman Nayak for
L&B/LAC
Mr Rahul Bakshi, Advocate for Respondent No. 3/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. 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 petitioner, consequently, seeks 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.36/1980-81 (Supplementary) dated 11.12.1997 was made, *inter alia*, in respect of the petitioners’ land comprised in Khasra No. 193 Min measuring 7 bigha 19 biswas in Village Lado Sarai shall be deemed to have lapsed.

2. The learned counsel for the petitioners submitted that neither physical possession of the subject lands has been taken by the land acquiring agency, nor has any compensation been paid to the petitioners. In response, the learned counsel for the respondents submitted that the records are not available with them and therefore they cannot ascertain as to whether the physical possession of the subject land was taken and also as to whether compensation has been paid to the petitioners or not. They had earlier requested some more time to try and locate the record but that has not been located till date. Thus, the statement made by the petitioners would have to be taken as correct. That being the position, it would have to be assumed that physical possession of the subject land is with the petitioners and that they had also not received any compensation. The award was 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;
- (iv) **Surinder Singh vs. 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

MARCH 14, 2016

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