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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Judgment delivered on: 04.10.2016

+ **W.P.(C) 5226/2015**

UDAI PAL SINGH AND ORS.

..... Petitioners

versus

GOVT. OF NCT OF DELHI AND ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioners	: Mr V.S. Tomar
For the Respondents L&B/LAC	: Mr Yeeshu Jain with Ms Jyoti Tyagi
For the Respondent DDA	: Mr Arun Birbal with Mr Sanjay Singh

CORAM:

HON'BLE MR JUSTICE BADAR DURREZ AHMED

HON'BLE MR JUSTICE ASHUTOSH KUMAR

J U D G M E N T

BADAR DURREZ AHMED, J (ORAL)

1. By way of this writ petition 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. Initially, the petitioners had filed this petition in respect of khasra nos. 1255/4, 1267 and 1279 in village Malikpur Kohi @ Rangpuri, Delhi, in connection with award

no. 02/1998-99 in respect of the said first two khasras and award no. 146/1980-81 in respect of the last khasra number. However, the learned counsel for the petitioners has given up the petition insofar as khasra no. 1279 is concerned. In other words, we are left to consider the petition in the context of khasra no. 1255/4 (0-½) to the extent of ¼ share and khasra no. 1267 (0-½) to the extent of ¼ share.

2. Insofar as khasra no. 1255/4 is concerned, it is the case of the respondents that possession has been taken on 31.12.2013, however, compensation has not been paid. With regard to khasra no. 1267 the stand of the respondents is that neither possession has been taken nor compensation has been paid. On the part of the petitioners their clear stand is that neither possession has been taken nor compensation has been paid or received by them in respect of both the khasra nos. As a result the position which emerges is that with regard compensation it is admitted that the same has not been paid in respect of both the khasra nos. However, with regard to possession, it is disputed insofar as khasra no. 1255/4 is concerned but, admittedly, it has not been taken with regard to khasra no. 1267.

3. Since the award was made on 07.01.1999 it is clearly more than five years prior to the coming into effect of the 2013 Act. All the necessary

ingredients for application of section 24(2) of the 2013 Act are satisfied in view of the various decisions of the Supreme Court and this Court as under:-

- (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) **Delhi Development Authority v. Sukhbir Singh & Ors:** Civil Appeal No. 5811/2015 decided on 09.09.2016;
- (iv) **Sree Balaji Nagar Residential Association v. State of Tamil Nadu and Ors:** Civil Appeal No. 8700/2013 decided on 10.09.2014; and
- (v) **Surender Singh v. Union of India and Ors.:** W.P.(C) 2294/2014 decided 12.09.2014 by this Court.

4. 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.

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

BADAR DURREZ AHMED, J

ASHUTOSH KUMAR, J

OCTOBER 04, 2016
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