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

% Judgment delivered on: 15.11.2016

+ **W.P.(C) 6284/2015**

YOG RAJ

.... Petitioner

versus

GOVT. OF NCT OF DELHI AND ORS.

..... Respondents

Advocates who appeared in this case:

For the Petitioner	: Mr V.S. Tomar
For the Respondent UOI	: Mr Rajesh Kumar
For the Respondent LAC/L&B	: Mr Sanjay Kumar Pathak with Mr Sunil Kumar Jha and Mr Kushal Raj Tater
For the Respondent DDA	: Mr Dhanesh Relan with Ms Isha Garg

CORAM:-

HON'BLE MR JUSTICE BADAR DURREZ AHMED

HON'BLE MR JUSTICE JAYANT NATH

JUDGMENT

BADAR DURREZ AHMED, J (ORAL)

1. The petitioner seeks 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 Nos.2/1998-99/SW dated 07.01.1999 and 7/1998-99/SW dated

21.06.1999 were made, *inter alia*, in respect of the petitioner's land comprised in Khasra No. 1077 (0-14) (under Award No. 2/1998-99/SW) and khasra nos. 754/1/1 (1-0) and 761 (0-07) (under Award No. 7/1998-99/SW) measuring 2 bighas 1 biswa in all in village Malikpur Kohi @ Rangpuri, Delhi, shall be deemed to have lapsed.

2. The respondents claim that possession in respect of the lands falling in khasra nos. 754/1/1 and 761 were taken possession on 31.12.2013. The petitioner, however, disputes this and maintains that physical possession has not been taken in respect of these lands. As regards khasra no. 1077 it is an admitted position that physical possession of the same has not been taken by the land acquiring agency and is with the petitioner. As regards compensation it is admitted that the same has not been paid to the land owner.

3. Without going into the controversy of physical possession of khasra nos. 754/1/1 and 761, it is absolutely clear that the awards were made more than five years prior to the commencement of the 2013 Act and the compensation has also not been paid. 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) **Pune Municipal Corporation and Anr v. Harakchand Misirimal Solanki and Ors:** (2014) 3 SCC 183;
- (2) **Union of India and Ors v. Shiv Raj and Ors:** (2014) 6 SCC 564;
- (3) **Sree Balaji Nagar Residential Association v. State of Tamil Nadu and Ors:** Civil Appeal No. 8700/2013 decided on 10.09.2014;
- (4) **Surender Singh v. Union of India & Others:** WP(C) 2294/2014 decided on 12.09.2014 by this Court; and
- (5) **Girish Chhabra v. Lt. Governor of Delhi and Ors:** WP(C) 2759/2014 decided on 12.09.2014 by this Court.

4. As a result, the petitioner is 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.

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

BADAR DURREZ AHMED, J

NOVEMBER 15, 2016
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JAYANT NATH, J