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

% Judgment delivered on: 09.02.2016

+ WP(C) No. 7749/2015 and CM 15256/2015

UNIQUE WOOD PRODUCT & ORS.

.... Petitioners

versus

UNION OF INDIA & ORS.

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr Y.R. Sharma, Advocate.

For the Respondents : Mr Yeeshu Jain with Mr Jyoti Tyagi, Advocates for
L&B/LAC
Ms Mrinalini Sen Gupta and Ms Krinmoi Chatterjee,
Advocates for DDA

CORAM:-

HON'BLE MR JUSTICE BADAR DURREZ AHMED

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

BADAR DURREZ AHMED, J (ORAL)

1. The counter affidavits handed over on behalf of respondent Nos.2 & 3 are taken on record. The learned counsel for the petitioners does not wish to file any rejoinder affidavit inasmuch as all the necessary averments are contained in the writ petition which he reiterates.

2. 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. 20/2005-06 dated 28.11.2005 was made, *inter alia*, in respect of the petitioners' land comprised in Khasra No. 7//12/2 min (0-04), 7//13/2 min (1-00) and 7//14/1/2 min (0-04), measuring 1 bigha and 8 biswas in all in village Mohammed Pur Majari shall be deemed to have lapsed.

3. It is an admitted case that possession in respect of Khasra Nos. 7//13/2 min and 7//14/1/2 min has not been taken and is with the petitioner. In so far as Khasra No. 7//12/2 min is concerned, it is admitted that possession thereof was taken by the land acquiring agency on 12.02.2013.

4. Compensation has, admittedly, not been paid to the petitioners in respect of any of the Khasra numbers referred to above. The award was made more than 5 years prior to the commencement of the 2013 Act and although physical possession of a small part of the land was taken by the respondents, compensation in respect of the entire land has not been paid to the petitioners. That being the case, the provisions of Section 24(2) of

the 2013 Act clearly apply in the light of the various decisions rendered by the Supreme Court and this Court in:

- (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.

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

FEBRUARY 09, 2016
rs

SANJEEV SACHDEVA, J