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

% Judgment delivered on: 20.09.2016

+ **WP(C) No.7331/2015 & CM 13457/2015**

RANBIR SINGH DAGAR AND ORS.

.... Petitioners

versus

GOVT. OF NCT OF DELHI AND ORS.

..... Respondents

Advocates who appeared in this case:

For the Petitioners

: Mr Rajiv Kumar Ghawana

For the Respondent LAC

: Mr Siddharth Panda

For the Respondent DDA

: Mr Dhanesh Relan with Ms Akshita Manocha
and Mr Harshit

CORAM:-

HON'BLE MR JUSTICE BADAR DURREZ AHMED

HON'BLE MR JUSTICE ASHUTOSH KUMAR

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. 23/1987-88 dated 17.06.1987 was made, *inter alia*, in respect of the petitioners' land comprised in Khasra Nos.7 (2-06), 813/251 (2-13), 258 (1-16) and 457 (6-01) measuring 12 bighas 16 biswas in all in village Maidan Garhi, New Delhi, shall be deemed to have lapsed.

2. The stand of the respondents is that possession of khasra 258 min was taken to the extent of 1 bigha 6 biswas out of 1 bigha 16 biswas. Therefore, admittedly possession of 10 biswas out of this khasra number was not taken. In respect of the balance land, the respondents contend that possession was taken on 16.07.1987 and 12.11.1987. This is, however, disputed by the petitioners who claim that actual physical possession of the entire land is with them. Insofar as the question of compensation is concerned the same has not been paid to the petitioners as contended by them. But, according to the respondents the same has been deposited in the treasury.

3. Without going into the controversy with regard to the physical possession, this much is clear that the Award was made more than five years prior to the commencement of the 2013 Act and the compensation has also not been paid to the petitioners, but has only been deposited in

the treasury, which does not amount to payment of compensation as interpreted by the Supreme Court in **Pune Municipal Corporation and Anr v. Harakchand Misirimal Solanki and Ors:** (2014) 3 SCC 183.

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) **Delhi Development Authority v. Sukhbir Singh & Ors:** Civil Appeal No. 5811/2015 decided on 09.09.2016.
- (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.

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

SEPTEMBER 20,2016
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ASHUTOSH KUMAR, J

