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

**Judgment delivered on: 01.02.2016**

**W.P.(C) 7830/2015**

**PUSHPENDRA KUMAR AND ANR**

..... Petitioners

versus

**UNION OF INDIA AND ORS**

..... Respondents

**Advocates who appeared in this case:**

For the Petitioners : Mr Ashim Vachher

For the Respondents : Mr Chiranjit Kumar for R-1/Union of India.  
Mr Yeeshu Jain and Ms Jyoti Tyagi for L&B/LAC  
Mr Pawan Mathur, Advocate for 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)**

**W.P.(C) 7830/2015 & CM No.15549/2015(stay)**

1. The counter-affidavit handed over by Mr Siddharth Panda, the learned counsel on behalf of the respondent Nos.2, 3 & 4, is taken on record. The learned counsel for the petitioners does not wish to file any rejoinder-affidavit and instead reiterates the contents of the writ petition in response to the said counter-affidavit.

2. 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 petitioners, consequently, seek 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.14/87-88 dated 26.05.1987 was made, *inter alia*, in respect of the petitioners' land comprised in Khasra Nos. 1044 (4-12) and 1107 (1-04) measuring 5 bighas 16 biswas in all in village Satbari, shall be deemed to have lapsed.

3. It is an admitted position that neither physical possession of the subject land has been taken by the land acquiring agency, nor has any compensation been paid to the petitioners. 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; and
- (iv) **Surender Singh v. Union of India and Ors.:** W.P.(C) 2294/2014 decided 12.09.2014 by this Court.

4. The learned counsel for the respondents also raised a contention that the present petition would not be maintainable by the petitioners because they are subsequent purchasers. While it is true that, in the context of the 1894 Act, the Supreme Court has held that a subsequent purchaser would not have a right to challenge the acquisition and would only have a right to compensation, the present petition, as it now stands, is not a challenge to the acquisition proceedings but is a petition seeking declaration of rights which had accrued to the petitioners by virtue of the deeming provision of Section 24(2) of the 2013 Act. Once the acquisition has lapsed because of the triggering of the deeming provisions of the Section 24(2) of the 2013 Act, the benefit of the same cannot be denied to the petitioners on the ground that they are subsequent purchasers.

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 lands 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**

**SANJEEV SACHDEVA, J**

**FEBRUARY 01, 2016**  
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