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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 24.05.2016

W.P.(C) 7607/2015 & CM No.14769/2015

BHARAT SINGH & ORS.

..... Petitioners

versus

LAND ACQUISITION COLLECTOR AND ANR

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr Inder Singh, Mr Anuroop P.S. and Mr Abhay Verma, Advocates

For the Respondents : Mr Yeeshu Jain, Ms Jyoti Tyagi and Mr Anshuman Nayak for
L&B/LAC
Ms Shobhana Takiar with Mr Udayan Khandelwal, Advocates 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)

1. The learned counsel for the petitioner states that he has instructions to drop petitioner nos. 4 and 5. He has handed over an amended memo of parties. The petitioner nos. 4 and 5 are dropped as petitioners from the present writ petition. The amended memo of parties is taken on record.

2. The counter affidavit on behalf of respondent no. 1 handed over by Mr Yeeshu Jain is taken on record. In the said counter affidavit, it has been pointed out that the physical possession of Khasra No. 336/2 (3-11) was taken on 07.12.1981 and the compensation was also paid. The learned counsel for the petitioners does not wish to file any rejoinder affidavit and relies on the averments already contained in the writ petition. He also submits that he has instructions to request this court to delete Khasra No. 336/2 (3-11) from the scope of the present petition in view of the averments made by the Land Acquisition Collector. Consequently, Khasra No. 336/2 (3-11) shall not be part of the present writ petition.

3. 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.1934-C/81-82 dated 06.02.1981 was made, *inter alia*, in respect of the petitioners' land comprised in Khasra Nos. 342/2 (2-02), 348 (3-04), 349/2 (3-19), 353 (4-16), 354/2 (4-14), 355

(2-15), 381/2 (3-09), 380/2 (1-12), 483 (3-11), 385 (4-09) totalling to 34 bighas and 11 Biswas in Village Mollarband, Delhi shall be deemed to have lapsed.

4. It is an admitted position that neither physical possession of the subject lands 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.

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

MAY 24, 2016

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