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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 14.09.2016

W.P.(C) 8162/2015

SATBIR SINGH MALIK & ORS

..... Petitioners

versus

UNION OF INDIA AND ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioners : Mr O.P. Gehlaut
For the Respondent Nos. 1&2 : Mr Rajesh Kumar, Mr Priyank Khattar and Mr Atul Krishna
For the Respondent DDA : Mr Arjun Pant
For the Respondent L&B/LAC : Mr Siddharth Panda

CORAM:

HON'BLE MR JUSTICE BADAR DURREZ AHMED

HON'BLE MR JUSTICE ASHUTOSH KUMAR

J U D G M E N T

BADAR DURREZ AHMED, J (ORAL)

1. The counter affidavit handed over by Mr Siddharth Panda on behalf of the respondent nos. 4 & 5 is taken on record. The learned counsel for the petitioners does not wish to file any rejoinder affidavit and reiterate the averments already contained in the writ petition.

2. The learned counsel for the petitioners states that this matter is covered by the decision of this Court in the case of **Girish Chhabra vs. Lt. Governor of Delhi and Ors.**: W.P.(C) 2759/2011 decided on 12.09.2014. He states that although possession of the subject land has been taken, the award under the Land Acquisition Act, 1894 (hereinafter referred to as 'the 1894 Act') was made more than five years prior to the commencement 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. In this case Award No.90/1980-81 was made on 22.12.1980. He also states that compensation has not yet been paid to the petitioners. Therefore, the requirements of section 24(2) of the 2013 Act have been fulfilled and the petitioners are entitled to a declaration that the subject acquisition under the 1894 Act has lapsed. The land in question is situated in village Masoodpur, Delhi, in Khasra Nos. 330/93 (4-17), 65 (5-19), 66 (5-01) and 89 (15-03) measuring 31 bighas (to the extent of 1/4th share therein) in all.

3. Admittedly, though physical possession of the subject land has been taken on 29.12.1980, compensation has not been paid to the petitioner. The Award is also more than five years prior to the commencement of the 2013

Act. Consequently, the decision of this Court in *Girish Chhabra (supra)* applies on all fours and the subject acquisition has lapsed.

4. The writ petition is allowed by declaring that the acquisition in respect of the subject land has lapsed. There shall be no order as to costs.

BADAR DURREZ AHMED, J

ASHUTOSH KUMAR, J

SEPTEMBER 14, 2016

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