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

% Judgment delivered on: 20.09.2016

+ **W.P.(C) 8081/2015 & CM 16716/2015**

SHIV RAJ

.... Petitioner

versus

UNION OF INDIA AND ORS.

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr Raj Bahadur Singh with Mr Vinod Singh, Mr Arun Kaushik and Ms Tanika
For the Respondent UOI : Mr Chiranjiv Kumar with Mr Mukesh Sachdeva
For the Respondent DDA : Mr Apoorv Rastogi for Mr Sunil Dutt Salwan

CORAM:-

HON'BLE MR JUSTICE BADAR DURREZ AHMED

HON'BLE MR JUSTICE ASHUTOSH KUMAR

JUDGMENT

BADAR DURREZ AHMED, J (ORAL)

1. The petitioner seeks 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.15/1992-93 dated 19.06.92 was made, *inter alia*, in respect of the petitioner's land comprised in Khasra Nos. 151/149-150/33 min (1-0) and 34/1 min (0-03) measuring 1 bigha 3 biswas in all in village Behlolpur Khadar, Delhi, shall be deemed to have lapsed.

2. Though the respondents claimed that possession of the said land was taken on 21.04.2006, the petitioner disputes this and maintains that physical possession has not been taken. However, insofar as the issue of compensation is concerned, while it is admitted by the respondents that no compensation has been paid in respect of khasra nos. 151/149-150/33 min, compensation was paid to one Zile Singh in respect of 8 biswas of land comprised in khasra no. 34. But, the learned counsel for the petitioner contends that no compensation was paid to Narayan Singh who is the brother of the Zile Singh. Narayan Singh owns only 3 biswas of land in khasra no. 34/1 min which was purchased by one Mirza Javed Beg from whom the present petitioner derives title. From the narration of these facts it is clear that no compensation has been paid in respect of the 3 biswas of land falling in khasra no. 34/1 min which the petitioner is claiming in the present petition.

3. Consequently, as the award was made more than five years prior to the commencement of the 2013 Act, even if we do not go into the controversy of physical possession, since compensation has not been paid, 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) **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) **Delhi Development Authority v. Sukhbir Singh & Ors:** Civil Appeal No. 5811/2015 decided on 09.09.2016.
- (5) **Surender Singh v. Union of India & Others:** WP(C) 2294/2014 decided on 12.09.2014 by this Court; and
- (6) **Girish Chhabra v. Lt. Governor of Delhi and Ors:** WP(C) 2759/2014 decided on 12.09.2014 by this Court.

4. As a result, the petitioner is 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.

5. The writ petition is allowed to the aforesaid extent. There shall be no order as to costs.

SEPTEMBER 20, 2016
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BADAR DURREZ AHMED, J

ASHUTOSH KUMAR, J

