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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 15.02.2016

W.P.(C) 8325/2015 & CM 17611/2015

M/S GAURAV WELDMESH PVT. LTD. Petitioner

versus

GOVT OF NCT OF DELHI AND ORS Respondents

Advocates who appeared in this case:

For the Petitioner	: Mr Vishal Maan
For the Respondent L&B/LAC	: Mr Siddharth Panda

CORAM:

**HON'BLE MR JUSTICE BADAR DURREZ AHMED
HON'BLE MR JUSTICE R.K.GAUBA**

J U D G M E N T

BADAR DURREZ AHMED, J (ORAL)

1. The counter affidavit handed over by Mr Panda on behalf of respondent nos. 1 and 2 is taken on record. The learned counsel for the petitioner does not wish to file any rejoinder affidavit and reiterates the contents of the writ petition.
2. By way of this writ petition the petitioner is 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 petitioner, consequently, seeks 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.15/1987-88 dated 05.06.1987 was made, *inter alia*, in respect of the petitioner's land comprised in Khasra Nos. 1785/1-2 min measuring 1 bigha in all in village Chattarpur, Delh, shall be deemed to have lapsed.

3. 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 petitioner. 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 had also raised the objection that the present petition would not be maintainable because the petitioner is a subsequent purchaser. Though, under 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, in the present petition the challenge is not to the acquisition proceedings but, the petition is one whereby a declaration is being sought of rights which accrued to the petitioner 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 provision of Section 24(2) of the 2013 Act, the benefit of the same cannot be denied to the petitioner on the ground that he is a subsequent purchaser.

5. 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 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

R.K. GAUBA, J

FEBRUARY 15, 2016

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