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

% Judgment delivered on: 08.03.2016

+ **WP(C) No.9011/2015 & CM 20363/2015**

SUDARSHAN KAPOOR

.... Petitioner

versus

UNION OF INIA AND ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioner	:	Ms Richa Oberoi
For the Respondent DDA	:	Mr Pawan Mathur
For the Respondent L&B/LAC	:	Mr Siddharth Panda

CORAM:-

HON'BLE MR JUSTICE BADAR DURREZ AHMED

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

BADAR DURREZ AHMED, J (ORAL)

1. The counter affidavit handed over by Mr Panda on behalf of the respondent no. 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. 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.14/1987-88 dated 26.05.1987 was made, *inter alia*, in respect of the petitioner's land comprised in Khasra Nos. 684 (5-4), 685 (4-16) and 686 (4-16) measuring 14 bighas 16 biswas in all in village Satbari, New Delhi, shall be deemed to have lapsed.

3. The stand of the respondents is that physical possession of the said land was taken on 01.08.2013. This is disputed by the petitioner, who claims to be in actual physical possession of the subject land.

4. As regards the question of compensation, the same has not been paid to the petitioner but, according to the respondents, the same has been deposited in the treasury. Mere deposit of the compensation amount in the treasury does not amount to payment of compensation without the same having been offered to the petitioner. This is clear from the decision of the Supreme Court in **Pune Municipal Corporation and Anr v. Harakchand Misirimal Solanki and Ors**: (2014) 3 SCC 183. As such

it is clear that without going into the controversy with regard to physical possession, the award was made more than five years prior to the commencement of the 2013 Act and compensation has also not been paid to the petitioner.

5. All 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) **Union of India and Ors v. Shiv Raj and Ors**: (2014) 6 SCC 564;
- (2) **Sree Balaji Nagar Residential Association v. State of Tamil Nadu and Ors**: Civil Appeal No. 8700/2013 decided on 10.09.2014;
- (3) **Surender Singh v. Union of India & Others**: WP(C) 2294/2014 decided on 12.09.2014 by this Court; and
- (4) **Girish Chhabra v. Lt. Governor of Delhi and Ors**: WP(C) 2759/2014 decided on 12.09.2014 by this Court.

6. 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.

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

BADAR DURREZ AHMED, J

SANJEEV SACHDEVA, J

MARCH 08, 2016

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