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

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Judgment delivered on: 09.11.2016

+ WP(C) No. 9549/2015 & CM 22520/2015

ATTAR SINGH & ORS

.... Petitioners

versus

GOVT. OF NCT OF DELHI & ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioner

: Mr Rajiv Kumar Ghawana

For the Respondent L&B/LAC

: Mr Yeeshu Jain with Ms Jyoti Tyagi.

CORAM:-

HON'BLE MR JUSTICE BADAR DURREZ AHMED

HON'BLE MR JUSTICE ASHUTOSH KUMAR

JUDGMENT

BADAR DURREZ AHMED, J (ORAL)

1. The petitioners seek 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. 20/1985-86 dated 11.11.1985 was made, *inter alia*, in respect of the petitioners' land comprised in Khasra No. 47//3 min measuring 5

bighas and 14 biswas in all in village Pooth Kalan, Delhi, shall be deemed to have lapsed.

2. In so far as 1 bigha 14 biswas of land out of the said khasra no. is concerned, the respondents alleged that physical possession thereof has been taken on 07.02.2013. However, with regard to the balance land, it is admitted that possession could not be taken and the same is with the petitioners. The learned counsel for the petitioners states that the entire land is with the petitioners and disputes the statement of the respondents with regard to physical possession having been taken in respect of 1 bigha 14 biswas.

3. As regards compensation, admittedly the same has not been paid to the petitioners.

4. Without going into the controversy with regard to 1 bigha 14 biswas of land insofar as physical possession is concerned, it is evident that the Award was made more than five years prior to the commencement of the 2013 Act and the compensation has also not been paid to the petitioners.

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 petitioners are 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

NOVEMBER 09, 2016
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ASHUTOSH KUMAR, J