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

% Judgment delivered on: 20.12.2016

+ **WP(C) No 83/2016 & CM 443/2016**

RAKESH KUMAR GUPTA

.... Petitioner

versus

GOVT OF NCT OF DELHI & ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioner	:	Mr Vishal Maan
For the Respondent LAC/L&B	:	Mr Siddharth Panda
For the Respondent DDA	:	Ms Niharika Ahluwalia

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.14/1987-88 dated 26.05.1987 was made, *inter alia*, in respect of the petitioner's land comprised in Khasra Nos.32/1 (0-16), 32/2 (3-00), 33/3 (0-14), 33/4 (0-05), 33/5 (0-01), 27/3 (1-00) and 23 (4-0) measuring

7 bighas 8 biswas in all in village Satbari, New Delhi, shall be deemed to have lapsed.

2. According to the respondents physical possession of the above mentioned lands have been taken except for khasra nos. 32/1 and 32/2 amounting to 3 bighas and 16 biswas. It is submitted by the respondents that physical possession was taken on 14.07.1987. This is disputed by the petitioner who claims that even in respect of the lands of which the respondents claim to be in physical possession, only paper possession was taken and the petitioner continues to be in actual physical possession of the entire land.

3. In so far as the question of compensation is concerned, the same has not been paid to the petitioner but, according to the respondents, the same has been deposited in the treasury. It is a settled position in law that mere deposit in treasury without any offer having been made to the petitioner would not amount to payment of compensation. This has been settled by the Supreme Court in the case of **Pune Municipal Corporation and Anr v. Harakchand Misirimal Solanki and Ors**: (2014) 3 SCC 183.

4. Thus, while physical possession with regard to part of the land is disputed, compensation has not been paid and the award has also been made more than five years prior to the commencement of the 2013 Act. 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.

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 land 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

ASHUTOSH KUMAR, J

DECEMBER 20, 2016

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