

\$~106

IN THE HIGH COURT OF DELHI AT NEW DELHI

%

Judgment delivered on: 24.01.2017

+ W.P.(C) 2290/2016 & CM 9856/2016

ATAL GOEL & ORS.

..... Petitioners

versus

UNION OF INDIA AND ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioners	: Mr D.V. Khatri
For the Respondent UOI	: Mr Vivek Goyal
For the Respondent Nos. 2&4	: Mr Siddharth Panda
For the Respondent DMRC	: Mr Tarun Johri

CORAM:

HON'BLE MR JUSTICE BADAR DURREZ AHMED

HON'BLE MR JUSTICE ASHUTOSH KUMAR

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. 2&4 is taken on record. The learned counsel for the petitioners does not wish to file any rejoinder affidavit and relies on the averments made in the writ petition.

2. By way of this writ petition 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. The petitioners, consequently, seek 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.2/1999-00 dated 20.07.99 was made, *inter alia*, in respect of the petitioners' land comprised in khasra nos. 35//15 (1-11), 16 min (3-01) and 25 min (3-00) measuring 7 bighas 12 biswas in all in village Holambi Kalan, Delhi, 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 petitioners. 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. 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 lands 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.

BADAR DURREZ AHMED, J

ASHUTOSH KUMAR, J

JANUARY 24, 2017

kb