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

+ W.P.(C) 4465/2016

RAM PRAKASH KATHURIA ..... Petitioner  
Through: Ms Meenu Handa, Adv.

versus

UNION OF INDIA AND ORS ..... Respondents  
Through: Mr Yeeshu Jain, Adv. with Ms Jyoti Tyagi,  
Adv. for the L&B/LAC.  
Ms Shobhana Takiar, Adv. for the DDA.

**CORAM:**

**HON'BLE MR. JUSTICE BADAR DURREZ AHMED**

**HON'BLE MR. JUSTICE ASHUTOSH KUMAR**

**ORDER**

% **24.01.2017**

In this writ petition several prayers have been made. They are as under:-

“a) issue a writ of certiorari and/or any other writ, order or direction of the similar nature declaring the acquisition proceedings with respect to the land measuring 4 Biswa 6 biswansi out of 1 bigha 3 biswa of land falling in Khasra number 19/15 Min. in revenue village Pansali, Delhi forming part of the Award No. 4/02-03 dated 3.4.2002 as having lapsed and/or;

b) issue a writ of mandamus and/or any other writ, order or direction of the similar nature thereby directing the respondents to restore the possession of the subject land back to the petitioner and/or in alternative;

c) issue a writ of mandamus and/or any other writ, order or direction of the similar nature thereby directing the respondents to pay to the petitioner the compensation in terms of the new Act, 2013 along-with the compensation for the boundary wall of five feet and one room admeasuring 10" x 10" on the subject land and/or;

d) pass any other or further direction and/or order which the Hon'ble Court deem fit and proper in the interest of justice.”

The learned counsel for the respondent/Land Acquisition Collector submits that 80% of the compensation has already been paid and possession was also taken. The balance 20% for some reason could not be paid.

In the aforesaid circumstances, there is no question of acquisition lapsing nor is there any question of payment of compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. However, the petitioner would clearly be entitled to the balance 20% of compensation under the Land Acquisition Act, 1894 along with applicable interest thereon and solatium with interest on solatium. The said payment be made within six weeks.

The writ petition is allowed as above.

**BADAR DURREZ AHMED, J**

**ASHUTOSH KUMAR, J**

**JANUARY 24, 2017**  
**kb**