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

+ W.P.(C) 15/2016 & CM No.49/2016

RAM DAS & ORS Petitioners

Through: Mr.K.Sunil, Advocate

versus

UNION OF INDIA & ORS Respondents

Through: Mr.Sachin Nawani, Advocate for R-1 and R-2
Mr.N.S.Arora, Advocate for R-3

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

% **25.09.2017**

1. The petitioners claim the relief of declaration under Section 24(2) of the *Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013* (for short 'the Act of 2013') to the effect that acquisition of suit lands (Khasra No.87/11/1, total measuring 1 bigha and 7 biswas, situated in Revenue Estate of Village Ujwa, Delhi) has lapsed by virtue of Section 24 (2) of the Act of 2013.

2. In this case, the suit lands alongwith other lands were notified under Section 4 of the old Land Acquisition Act (of 1894) on 18.4.1979. A declaration under Section 6 of the old Act was issued on 18.4.1979. After notices were issued to the land owners and their evidence considered, the Award was published by the Land Acquisition Collector on 29.5.1980. The petitioner complains that after framing of the Award, neither was possession of the acquired lands taken over by the respondents nor compensation or any part of it was paid to them.

3. In counter affidavit, the Land Acquisition Collector *inter alia* states as follows: -

“ 8. It is respectfully submitted that as per Naksha Muntazamin payment order dated 7.11.1988 was passed by the Land Acquisition Collector and the payment was sent to the Account Branch on 21.11.1988. It is respectfully submitted that no one on behalf of the petitioner approach to the account branch to collect the compensation lying in Account Branch. Admittedly no action has been taken on behalf of the petitioner from the year 1988 till the year 2013, therefore the present writ petition is barred by lapse of time and the same is liable to be dismissed on this ground alone.”

4. By virtue of a series of judgments, starting with that of *Pune Municipal Corporation and. Anr. v. Harakchand Misirimal Solanki and Ors.*, (2014) 3 SCC 183, the Supreme Court has held that if the acquiring body either does not pay compensation to the land owner or take possession within five years before coming into force of the Act of 2013, the acquisition is deemed to have lapsed.

5. In these circumstances, the petition has to succeed. A declaration is issued to the effect that the suit lands are free from acquisition and the acquisition is deemed to have lapsed by virtue of Section 24 (2) of the Act of 2013.

6. The writ petition is allowed in above terms. The pending applications also stand disposed of.

S. RAVINDRA BHAT, J.

SUNIL GAUR, J.

SEPTEMBER 25, 2017/mamta