

(2014) 12 DEL CK 0035

In the Delhi High Court

Case No : Writ Petition (Civil) 4621/2014 and CM 9194/2014

Dew Drops Pvt. Ltd.

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 01-12-2014

Acts Referred:

Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 — Section 24(2)

Citation : (2014) 12 DEL CK 0035

Hon'ble Judges : Siddharth Mridul, J;Badar Durrez Ahmed, J

Bench : Division Bench

Advocate : Sumit Bansal, Ateev Mathur and Richa Oberoi, Advocate for the Appellant; Yeeshu Jain, Siddharth Panda, Jyoti Tyagi, LAC. and Pawan Mathur, Advocate for the Respondent

Judgement

Badar Durrez Ahmed, J.—By way of this writ petition the petitioner is seeking 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 petitioner, consequently, seeks 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. 15/1987-88 dated 06.05.1987 and Award No. 24/1987-88 dated 09.07.1987 were made, inter alia, in respect of the petitioner's land comprised in Khasra Nos. 1081 (4-16), 1083/2 (3-01), 1084/2 (4-01), 927 min (0-03), 943/1 (0-3) and 944 min (0-03) measuring 12 bighas and 7 biswas in Village Chattarpur, New Delhi, shall be deemed to have lapsed. The counter affidavit on behalf of respondent no.2 has been handed over by Mr. Siddharth Panda. The same is taken on record.

2. 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 petitioner. 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 Another Vs. Harakchand Misirimal Solanki and Others, ;

(ii) Union of India (UOI) and Others Vs. Shiv Raj and Others, ;

(iii) Sree Balaji Nagar Residential Association v. State of Tamil Nadu and Ors: Civil Appeal No. 8700/2013 decided on 10.09.2014;

(iv) Surinder Singh vs. Union of India and Ors.: W.P.(C) 2294/2014 decided 12.09.2014 by this Court.

3. 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 lands are deemed to have lapsed. It is so declared.

4. The writ petition is allowed to the aforesaid extent. There shall be no order as to costs.