
(2015) 07 DEL CK 0319

In the Delhi High Court

Case No : Writ Petition (C) 4447/2014, CM 8872 and 18599 of 2014

Lalit Jain and Others

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 13-07-2015

Acts Referred:

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

Citation : (2015) 07 DEL CK 0319

Hon'ble Judges : Badar Durrez Ahmed, J;Sanjeev Sachdeva, J

Bench : Division Bench

Advocate : Sumeer Sodhi, Varun Tankha and Arjun Nanda, for the Appellant;
Sarat Chandra, Advocates for the Respondent

Final Decision : Allowed

Judgement

Badar Durrez Ahmed, J—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. 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 petitioners' land comprised in Khasra No. 73/1/1 (2-04), 73/2/2 (1-15), 74/1/2 (1-08) and 75/2 (3-16) measuring 8 bighas 11 biswas in all in village Satbari, New Delhi, shall be deemed to have lapsed.

2. Though the respondents claim that possession of the said land was taken on 14.07.1987, the petitioners dispute this and maintain that physical possession has not been taken. However, insofar as the issue of compensation is concerned, it is an admitted position that it has not been paid.

3. Without going into the controversy of physical possession, this much is clear that the Award was made more than five years prior to the commencement of

the 2013 Act and the compensation has also not been paid. 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) Pune Municipal Corporation and Another Vs. Harakchand Misirimal Solanki and Others, AIR 2014 SC 982 : (2014) AIRSCW 787 : (2014) 3 JT 283 : (2014) 1 RCR(Civil) 880 : (2014) 1 SCALE 618 : (2014) 3 SCC 183 ;

(2) Union of India (UOI) and Others Vs. Shiv Raj and Others, AIR 2014 SC 2242 : (2014) AIRSCW 3388 : (2014) 6 SCC 564 ;

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

(4) Surender Singh v. Union of India & Others: WP(C) 2294/2014 decided on 12.09.2014 by this Court; and

(5) Girish Chhabra v. Lt. Governor of Delhi and Ors: WP(C) 2759/2014 decided on 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 land 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.