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**(2014) 09 DEL CK 0382**

**In the Delhi High Court**

**Case No : Writ Petition (Civil) 1403 and 1404/2014**

Mamraj

APPELLANT

Vs

Govt. of NCT of Delhi

RESPONDENT

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**Date of Decision :** 16-09-2014

**Acts Referred:**

**Citation :** (2014) 09 DEL CK 0382

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

**Bench :** Division Bench

**Advocate :** Bhagwat Prasad, Advocate for the Appellant; Yeeshu Jain, Jyoti Tyagi, Sanjay Kumar Pathak, Sunil Kumar Jha, Kiran Pathak and Ajay Verma, Advocate for the Respondent

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## **Judgement**

Badar Durrez Ahmed, J.—The learned counsel for the petitioners states that this matter is covered by the decision of this Court in the case of Girish Chhabra vs. Lt. Governor of Delhi and Ors.: W.P.(C) 2759/2011 decided on 12.09.2014. He states that although possession of the subject land has been taken, the award under the Land Acquisition Act, 1894 (hereinafter referred to as "the 1894 Act") was made more than five years prior to the commencement 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. In this case Award No. 18/1992-93 was made on 19.06.1992. He also states that compensation has not yet been paid to the petitioners. Therefore, the requirements of section 24(2) of the 2013 Act have been fulfilled and the petitioners are entitled to a declaration that the subject acquisition under the 1894 Act has lapsed. The land in question is situated in Village Khizrabad, New Delhi in Khasra No. 371-375/11/2/1 measuring 17 bighas 17 biswas in all.

2. Admittedly, though physical possession of the subject land has been taken on 14.06.2013, compensation has not been paid to the petitioners. The Award is also more than five years prior to the commencement of the 2013 Act.

Consequently, the decision of this Court in *Girish Chhabra* (supra) applies on all fours and the subject acquisition has lapsed.

3. The writ petitions are allowed by declaring that the acquisition in respect of the subject land has lapsed. There shall be no order as to costs.