

**(2014) 12 DEL CK 0176**

**In the Delhi High Court**

**Case No :** Writ Petition (Civil) 5063/2014 and CM No. 10089/2014

Narender Sharma

APPELLANT

Vs

Union of India

RESPONDENT

**Date of Decision :** 08-12-2014

**Acts Referred:**

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

**Citation :** (2015) 216 DLT 62

**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; Manish Mohan, Puja Sarkar, Yeeshu Jain, Jyoti Tyagi and Pawan Mathur, Advocate for the Respondent

## Judgement

Badar Durrez Ahmed, J.—The learned counsel for respondent No. 2 has handed over the counter affidavit. The same is taken on record. The learned counsel for the petitioner does not wish to file any rejoinder affidavit and submits that he would rely on the averments made in the writ petition.

2. 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. 15/87-88 dated 05.06.1987 was made, inter alia, in respect of the petitioner's half share in the land comprised in Khasra No. 1915 measuring 4 bighas and 3 biswas in Village Chhattarpur shall be deemed to have lapsed.

3. It is an admitted position that neither physical possession of the subject land 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.

4. 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 land is 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.