

(2016) 09 DEL CK 0087

In the Delhi High Court

Case No : Writ Petition (C) No. 3102 of 2015

Nihal Singh

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 06-09-2016

Acts Referred:

Land Acquisition Act, 1894 — Section 4
Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 — Section 24(2)

Citation : (2016) 235 DLT 408

Hon'ble Judges : Mr. Badar Durrez Ahmed and Mr. Ashutosh Kumar, JJ.

Bench : Division Bench

Advocate : Mr. Vipin K. Singh, Advocate, for the Petitioners; Mr. Siddharth Panda, Advocate, for the LAC/L&B; Mr. Arjun Pant, Advocate, for the DDA

Final Decision : Allowed

Judgement

Badar Durrez Ahmed, J. (Oral)—The learned counsel for the petitioners state that this matter is covered by the decision of this Court in the case of Girish Chhabra v. 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.17/1984-85 was made on 16.07.1985. 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 to the extent of 3rd share of the petitioners comprised in Khasra Nos. 304(17-11), 307/1(2-13), 336(11-10) measuring 33 bighas 14 biswas and full share in land comprised in Khasra No.324/1 (2-00). The total share of the petitioner is 10

Bighas and 12 Bishwas in the above lands situated in Village Lado Sarai.

2. Admittedly, though physical possession of the subject land has been taken on 11.04.1997, 05.05.2003 and 31.12.2013, 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 petition is allowed by declaring that the acquisition in respect of the subject land has lapsed. There shall be no order as to costs.