

indu Katariya Vs. Union of India and ors

indu Katariya Vs. Union of India and ors

SooperKanoon Citation : sooperkanoon.com/1169940

Court : Delhi

Decided On : Nov-03-2014

Judge : Badar Durrez Ahmed

Appellant : indu Katariya

Respondent : Union of India and ors

Judgement :

33(I) THE HIGH COURT OF DELHI AT NEW DELHI % + Judgment delivered on:

03. 11.2014 W.P.(C) 5949/2014 & CM145402014 INDU KATARIYA ... Petitioner versus UNION OF INDIA & ORS ... Respondents Advocates who appeared in this case: For the Petitioner : Mr Dinesh Garg with Ms Uditi Khattar For the Respondents : Mr Pawan Mathur for R-3/DDA. Mr Yeeshu Jain with Ms Jyoti Tyagi for R-4&5/L&B & LAC. Mr Anil Soni with Mr Naginder Benipal for R-1& 2. CORAM:HONBLE MR JUSTICE BADAR DURREZ AHMED HONBLE MR JUSTICE V. KAMESWAR RAO

JUDGMENT

BADAR DURREZ AHMED, J (ORAL) 1. 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.15/198788 dated 05.06.1987 was made, inter alia, in respect of the petitioners land comprised in Khasra Nos. 642 (5-12), 643(3-09), 644(4-16), 645(416) measuring 18 bighas 13 biswas in Village Chattarpur shall be deemed to have lapsed.

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 Anr v. Harakchand Misirimal Solanki and Ors: (2014) 3 SCC183 (ii) Union of India and Ors v. Shiv Raj and Ors: (2014) 6 SCC564 (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; and (v) 3. Gyanender Singh and Others v. Union of India and Others: WP(C) 1393/2014 decided on 23.09.2014 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. BADAR DURREZ AHMED, J V. KAMESWAR RAO, J NOVEMBER3 2014 SR

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com