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**Subhash and ors Vs. Land Acquisition Collector (South) and ors**

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**SooperKanoon Citation** : sooperkanoon.com/1171019

**Court** : Delhi

**Decided On :** Sep-30-2014

**Judge** : Badar Durrez Ahmed

**Appellant** : Subhash and ors

**Respondent** : Land Acquisition Collector (South) and ors

**Judgement** :

IN THE HIGH COURT OF DELHI AT NEW DELHI Judgment delivered on:

30. 09.2014 W.P.(C) 2482/2014 SUBHASH & ORS .... Petitioners versus LAND ACQUISITION COLLECTOR (SOUTH) & ORS ..... Respondents Advocates who appeared in this case: For the Petitioner : Mr Deepak Khosla, Advocate with Mr Inder Singh, Advocate For the Respondents : Mr Yeeshu Jain, Advocate with Ms Jyoti Tyagi, Advocate CORAM:HONBLE MR JUSTICE BADAR DURREZ AHMED HONBLE MR JUSTICE SIDDHARTH MRIDUL

JUDGMENT
BADAR DURREZ AHMED, J (ORAL) 1. 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.50A/Suppl./1969-70

dated 04.11.1981 was made, inter alia, in respect of the petitioners land comprised in Khasra Nos. 4039/2593/838, 4039/2593/839, 4039/2593/840, 4037/2892/1906, 836-837, 896, 914, 957, 1265, 4037/796, 4053/841, 1028/1, 1237/1, 1238/1, 1905/836-837, 1853/788, 898, 966 and 1263 measuring 26 bighas and 4 biswas in all in village Tughlaqabad shall be deemed to have lapsed.

2. Though the respondents claimed that possession of the said land was taken on 23.11.1981 and 19.09.1996, 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 Anr v. Harakchand Misirimal Solanki and Ors: (2014) 3 SCC183 4. (2) Union of India and Ors v. Shiv Raj and Ors: (2014) 6 SCC564 (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. 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. BADAR DURREZ AHMED, J SEPTEMBER30 2014 dn W.P.(C) No.2482/2014

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