

Banwari Lal Sharma Vs. Union of India and ors

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Court : Delhi

Decided On : Sep-16-2014

Judge : Badar Durrez Ahmed

Appellant : Banwari Lal Sharma

Respondent : Union of India and ors

Judgement :

\$~82 (Category II) IN THE HIGH COURT OF DELHI AT NEW DELHI Judgment delivered on:

16. 09.2014 W.P.(C) 3694/2014 & CM No.7474/2014 BANWARI LAL SHARMA Petitioner versus UNION OF INDIA AND ORS Respondents Advocates who appeared in this case: For the Petitioner : Mr P.S. Bindra, Advocate For the Respondents : Mr Sanjay Poddar, Sr. Advocate with Mr Siddharth Panda, Mr Yeeshu Jain, Ms Jyoti Tyagi and Mr Anshuman Nayak, Advocates for L&B/LAC Mr Pawan Mathur, Advocate for DDA CORAM: HON'BLE MR JUSTICE BADAR DURREZ AHMED HON'BLE MR JUSTICE SIDDHARTH MRIDUL

JUDGMENT

BADAR DURREZ AHMED, J (ORAL) 1. The learned counsel for the petitioner 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.10/87-88 was made on 14.05.1987. He also states that compensation has not yet been paid to the petitioner. Therefore, the requirements of section 24(2) of the 2013 Act have been fulfilled and the petitioner is entitled to a declaration that the subject acquisition under the 1894 Act has lapsed. The land in question is situated in Village Shayoopur in Khasra No.78/5, 80, 78/4, 91 and 97/6 measuring 8 bighas 16 biswas in all.

2. Admittedly, though physical possession of the subject land has been taken on 14.07.1987, compensation has not been paid to the petitioner. 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. BADAR DURREZ AHMED, J SIDDHARTH MRIDUL, J SEPTEMBER16 2014 dn

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