

Raj Pal Vs. the Honble Lt. Governor and ors

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Court : Delhi

Decided On : Sep-17-2014

Judge : Badar Durrez Ahmed

Appellant : Raj Pal

Respondent : The Honble Lt. Governor and ors

Judgement :

THE HIGH COURT OF DELHI AT NEW DELHI % + Judgment delivered on:

17. 09.2014 W.P.(C) 3673/2014 and CM No.7449/2014 RAJ PAL ... Petitioner versus THE HONBLE LT. GOVERNOR AND ORS ... Respondents Advocates who appeared in this case: For the Petitioner : Mr L.K. Singh For the Respondents : Mr Rakesh Khanna, Sr Advocate with Mr Ajay Verma for the DDA. Mr Sanjay Poddar, Senior Advocate with Mr Siddharth Panda, Mr Govind Kumar, Mr Anshuman Nayak, and Ms Jyoti Tyagi for the Respondent/L&B and LAC. CORAM:HONBLE MR JUSTICE BADAR DURREZ AHMED HONBLE MR JUSTICE SIDDHARTH MRIDUL

JUDGMENT

BADAR DURREZ AHMED, J (ORAL) 1. In this writ petition, the petitioner is seeking the benefit of the provisions 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.

2. The award in respect of the petitioners land was passed on 28.02.1967 vide Award No.1953/1967 under the Land Acquisition Act, 1894 (hereinafter referred to as the 1894 Act). The land in question is situated in Khasra No.1854/1784 at Village Naraina admeasuring 3 bighas and 3 biswas. It is also stated by the petitioner that the physical possession of the said land has not been taken over by the respondents nor have they received the compensation. The respondents, while admitting that the physical possession of the said land has not been taken over, are disputing the fact that the compensation has not been paid. According to the petitioner, the compensation has only been deposited in the Revenue Deposit (RD), Tis Hazari as indicated in the answer to an RTI query given by the ADM/LAC District, New Delhi, a copy of which is to be found at pages 94 and 95 of the paper book. However, the learned counsel for the respondents are disputing this fact and state that the compensation has been paid to the recorded owners.

3. Without going into the controversy as to whether the compensation has been paid or not, the fact remains that possession of the subject land has not been taken. It is also clear that the award in respect of the subject land was made more than five years prior to the commencement of the 2013 Act. Consequently, the ingredients necessary for invoking the provisions of Section 24(2) stand satisfied in view of the interpretation put on that provision by the Supreme Court in:- (1) Pune Municipal Corporation and Anr v. Harakchand Misirimal Solanki and Ors: (2014) 3 SCC183 (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 as also in decisions of this court in Surender Singh v. Union of India & Ors, W.P.(C) 2294/2014 decided on 12.09.2014 and Girish Chhabra v. Lt. Governor Of Delhi & Ors, W.P.(C) 2759/2014 decided on 12.09.2014.

4. Consequently, the writ petition is allowed to the extent that the said acquisition in respect of the subject land is declared as having lapsed in view of the provisions of Section 24(2) of the 2013 Act. There shall be no order as to costs. BADAR DURREZ AHMED, J SIDDHARTH MRIDUL, J SEPTEMBER17 2014 SU

