

Usha Rani Vs. Land Acquisition Collector (South) and anr

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Court : Delhi

Decided On : Nov-17-2014

Judge : Badar Durrez Ahmed

Appellant : Usha Rani

Respondent : Land Acquisition Collector (South) and anr

Judgement :

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

17. 11.2014 W.P.(C) 4198/2014 & CM84902014 USHA RANI Petitioner versus LAND ACQUISITION COLLECTOR (SOUTH) & ANR Respondents Advocates who appeared in this case: For the Petitioner : Mr Deepak Khosla. For the Respondents : Mr Yeeshu Jain and Ms Jyoti Tyagi for LAC/L&B. Ms Mrinalini Sen Gupta and Ms Mrinmoi Chatterjee for DDA. CORAM: HON'BLE MR JUSTICE BADAR DURREZ AHMED HON'BLE MR JUSTICE SIDDHARTH MRIDUL

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.14/87-88 dated 26.05.1987 was made, inter alia, in respect of the petitioners lands comprised in Khasra No.7/1 measuring 1 bigha 17 biswas in Village- Satbari 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) (ii) (iii) (iv) WP(C) 4198/2014 Pune Municipal Corporation and Anr v. Harakchand Misirimal Solanki and Ors: (2014) 3 SCC183 Union of India and Ors v. Shiv Raj and Ors: (2014) 6 SCC564 Sree Balaji Nagar Residential Association v. State of Tamil Nadu and Ors: Civil Appeal No.8700/2013 decided on 10.09.2014; Surinder Singh vs. Union of India and Ors.: W.P.(C) 2294/2014 decided 12.09.2014 by this 3. 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 SIDDHARTH MRIDUL, J NOVEMBER17 2014 mk

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