

Sushil Kumar Gupta Vs. Delhi Development Authority and ors.

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Court : Delhi

Decided On : Nov-03-2014

Judge : Badar Durrez Ahmed

Appellant : Sushil Kumar Gupta

Respondent : Delhi Development Authority and ors.

Judgement :

\$~ 60 (Category-III) * IN THE HIGH COURT OF DELHI AT NEW DELHI % +
Judgment delivered on:

03. 11.2014 W.P.(C) 3188/2014 & CM66342014 SUSHIL KUMAR GUPTA
Petitioner versus DELHI DEVELOPMENT AUTHORITY & ORS. Respondents
Advocates who appeared in this case: For the Petitioner : Mr Jasbir Singh Malik
For the Respondents : Mr Yeeshu Jain with Ms Jyoti Tyagi for LAC/L&B. Mr
Sanjeev Sabharwal for DDA. 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. 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.35/81-82 dated 10.11.1981 was made, inter alia, in respect of the petitioners land comprised in Khasra Nos. 70/22(4-16), 70/23 (4-16) measuring 9 bighas 12 biswas in all in village Badli shall be deemed to have lapsed.

2. Though the respondents claimed that possession of the said land was taken on 12.11.81, the petitioner disputed 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 (2) Union of India and Ors v. Shiv Raj and Ors: (2014) 6 SCC564 4. (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 petitioner is 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 NOVEMBER03 2014 kb W.P.(C) No.3188/2014

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