

Surender Singh and anr. Vs. Delhi Development Authority and ors.

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SooperKanoon Citation : sooperkanoon.com/1172138

Court : Delhi

Decided On : Nov-25-2014

Judge : Badar Durrez Ahmed

Appellant : Surender Singh and anr.

Respondent : Delhi Development Authority and ors.

Judgement :

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

25. 11.2014 W.P.(C) 6897/2014 & CM162692014 SURENDER SINGH & ANR.
Petitioners versus DELHI DEVELOPMENT AUTHORITY & ORS. Respondents
Advocates who appeared in this case: For the Petitioners : Mr Raj Kumar Sharma,
Mr Ajayinder Sangwan, Mr Tarunesh Kumar and Mr R.Sharma, Advocates. For
the Respondents : Mr Ajay Dignpaul, CGSC with Mr Kunal Punj for UOI. Mr Yeeshu
Jain and Ms Jyoti Tyagi for LAC/L&B. Mr Dhanesh Relan and Mr Arush Bhandari
for DDA. CORAM: HON'BLE MR JUSTICE BADAR DURREZ AHMED HON'BLE
MR JUSTICE SIDDHARTH MRIDUL

JUDGMENT

BADAR DURREZ AHMED, J (ORAL) 1. The counter affidavit on behalf of the
respondent Nos.2 and 3, which is handed over by Mr Jain, is taken on record. The
learned counsel for the petitioners does not wish to file any rejoinder affidavit.

2. 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.22/2005-06 dated 02.01.2006 was made, inter alia, in respect of the petitioners land comprised in Rectangle No.83 bearing Khasra Nos.17 (315) and 18 (2-19) measuring 6 bighas 14 biswas in all in Village- Karala, Delhi shall be deemed to have lapsed.

3. Though the respondents claimed that possession of the said land was taken on 21.02.2007, 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.

4. 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:- 5. (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; (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.

6. The writ petition is allowed to the aforesaid extent. There shall be no order as to costs. BADAR DURREZ AHMED, J SIDDHARTH MRIDUL, J NOVEMBER25 2014 mk