

Kartari Devi vs.union of India and Others

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Court : Delhi

Decided On : Jan-24-2017

Appellant : Kartari Devi

Respondent : Union of India and Others

Judgement :

\$~90 IN THE HIGH COURT OF DELHI AT NEW DELHI % + W.P. (C) 5687/2015
& CM No.10225/2015 Judgment delivered on:

24. 01.2017 KARTARI DEVI versus UNION OF INDIA AND OTHERS Advocates
who appeared in this case:-

"For the

... Petitioner

For the Respondent/L&B/LAC : Mr Siddharth Panda For the Respondent/DDA : Mr
N.S. Chechi Petitioner Respondents : Mr Sanjeev Sabharwal with Mr Hem Kumar
CORAM: HON'BLE MR JUSTICE BADAR DURREZ AHMED HON'BLE MR
JUSTICE ASHUTOSH KUMAR BADAR DURREZ AHMED, J (ORAL)

JUDGMENT

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.87/1980-81 dated 30.12.1981 was WP(C) 5687/2015 Page 1 of 3 made, inter alia, in respect of the petitioners land comprised in Khasra No.1159/120/ measuring 19 biswas in Village Madanpur Khadar shall be deemed to have lapsed.

2. It is an admitted position that neither physical possession of the subject land 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) Pune Municipal Corporation and Anr v. Harakchand Misirimal Solanki and Ors: (2014) 3 SCC183 (ii) Union of India and Ors v. Shiv Raj and Ors: (2014) 6 SCC564 (iii) Sree Balaji Nagar Residential Association v. State of Tamil Nadu and Ors: Civil Appeal No.8700/2013 decided on 10.09.2014; and (iv) Surender Singh v. Union of India and Ors.: W.P.(C) 2294/2014 decided 12.09.2014 by this Court.

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 land are deemed to have lapsed. It is so declared. WP(C) 5687/2015 Page 2 of 3 4. The writ petition is allowed to the aforesaid extent. There shall be no order as to costs. BADAR DURREZ AHMED, J JANUARY24 2017 dutt ASHUTOSH KUMAR, J WP(C) 5687/2015 Page 3 of 3

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