

Simla Devi & Ors vs.union of India and Ors

Simla Devi & Ors vs.union of India and Ors

SooperKanoon Citation : sooperkanoon.com/1202988

Court : Delhi

Decided On : Jan-24-2017

Appellant : Simla Devi & Ors

Respondent : Union of India and Ors

Judgement :

\$~102 IN THE HIGH COURT OF DELHI AT NEW DELHI % + W.P.(C)
10551/2015 & CM266622015 Judgment delivered on:

24. 01.2017 SIMLA DEVI & ORS versus UNION OF INDIA AND ORS Advocates
who appeared in this case:

... Petitioner

S

... RESPONDENTS

For the

... Petitioner

s For the Respondent DDA For the Respondent L&B/LAC : Mr M.P. Bhargava : Mr
Himanshu- Rewatkar for Mr Sushil Dutt Salwan : Mr Yeeshu Jain with Ms Jyoti
Tyagi CORAM: HON'BLE MR JUSTICE BADAR DURREZ AHMED HON'BLE MR
JUSTICE ASHUTOSH KUMAR BADAR DURREZ AHMED, J (ORAL)

JUDGMENT

1 The counter affidavit handed over by Mr Yeeshu Jain on behalf of respondent No.5 is taken on record. The learned counsel for the petitioners does not wish to file any rejoinder affidavit and relies on the averments made in the writ petition. WP(C) 10551/2015 Page 1 of 3 2. By way of this writ petition the petitioners 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 petitioners, consequently, seek 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.29/1976-77 of 1977 was made, inter alia, in respect of the petitioners land comprised in khasra nos. 29/1 measuring 14 biswas (to the extent of 2/3rd share = 10 biswas) in village Saidabad, New Delhi, shall be deemed to have lapsed.

3. 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 petitioners. 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 WP(C) 10551/2015 Page 2 of 3 (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.

4. 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 lands 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 ASHUTOSH KUMAR, J JANUARY24 2017 kb WP(C) 10551/2015 Page 3 of 3

