

IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 24.09.2014

W.P.(C) 1389/2014, CMs 2899/2014 & CM 15226/2014

ANIL KUMAR JAIN AND ORS.

.....Petitioners

versus

UNION OF INDIA AND ORS.

.....Respondents

Advocates who appeared in this case:

For the Petitioner : Mr T.N.Singh, Mr Vikas K.Singh and Mr H.L.Srivastava.

For the Respondents : Mr Yeeshu Jain and Ms Jyoti Tyagi for L&B/LAC.
Mr Ajay Verma for DDA.

CORAM:

HON'BLE MR JUSTICE BADAR DURREZ AHMED

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

J U D G M E N T

BADAR DURREZ AHMED, J (ORAL)

1. The learned counsel for the petitioners states that the subject lands are liable to be declared as being free from acquisition in view of the provisions 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'). He places reliance on recent decisions of this court in **Surender Singh v. Union of India & Ors.:** WP(C) No.2294/2014

decided on 12.09.2014 and *Girish Chhabra v. Lt. Governor of Delhi and Ors.* WP(C) No.2759/2014 decided on 12.09.2014. The learned counsel for the petitioners points out that the award being Award No.6/2005-06 dated 12.07.2005 was made more than five years prior to the commencement of the 2013 Act which commenced on 01.01.2014. He also states that part of the land in question, namely, Khasra No.49/12 and 49/13 have been taken in possession by the respondent on 31.08.2005 whereas the balance part of 10 biswas out of the very same Khasra has not been taken in possession as also the land in Khasra No.49/9/2 has not been taken in possession due to the fact that the said area was built-up. He also states that compensation has not been paid as yet.

2. These facts are admitted by the respondents except by the learned counsel for the DDA, who states that the possession of the part land could not be taken because of the pendency of a Special Leave Petition No.12534-611/2007 titled as *Subhash Jain & Ors. v. Union of India & Ors.*, which is pending before the Supreme Court and in which a stay order has been passed. The learned counsel for the petitioners, however, states that the petitioners were not party to that SLP.

3. Be that as it may, even if, we treat the possession in respect of the said land as being taken, admittedly, compensation has not been paid. Consequently, in view of the said decisions referred to above, the petitioners are entitled to the benefit of Section 24(2) of the 2013 Act and it is declared that the acquisition in respect of the subject land, namely, Khasra No.49/9/2 Min. 1 bigha, Khasra No.49/12 Min. 3 bighas and Khasra No.49/13 Min. 1 bigha in Village- Pehladpur Bangar, has lapsed. The writ petition is allowed to this extent. There shall be no order as to costs

BADAR DURREZ AHMED, J

SIDDHARTH MRIDUL, J

SEPTEMBER 24, 2014

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