

IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 23.09.2014

W.P.(C) 3066/2013 & CM Nos.5802/2013, 2045/2014

OM PRAKASH & ORS.

..... Petitioners

versus

LT.GOVERNOR CUM ADMINISTRATOR AND ORS. Respondents

Advocates who appeared in this case:

For the Petitioner : Mr Salman Khurshid, Senior Advocate with Mr. Sameer Jain and
Mr. Sandeep Bajaj, Advocates.
For the Respondents : Ms Renuka Arora, Advocate for DSIDC.
Ms Shobhana Takiar, Advocate 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 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”). The learned senior counsel for the petitioners states that the present case is covered by the decision of this Court in the case of Surender Singh v. Union

of India & Ors. : W.P.(C) No.2294/2014 decided on 12.09.2014. That was also a case where physical possession of the land in question had not been taken nor had any compensation been paid to the land holders. This Court, following the decisions of the Supreme Court in **Pune Municipal Corporation and Anr. v. Harakchand Misirimal Solanki and Ors.:** (2014) 3 SCC 183; (2) **Union of India and Ors. V. Shiv Raj and Ors. :** (2014) 6 SCC 564; and a very recent decision of the Supreme Court in (3) **Sree Balaji Nagar Residential Association v. State of Tamil Nadu and Ors. :** Civil Appeal No. 8700/2013 decided on 10.09.2014, held that acquisition would have to be deemed as having lapsed in view of the clear provisions of Section 24(2) of the 2013 Act.

2. In the present case, the award in respect of the said land was made on 01.05.2008 and was numbered as award No.6/07-08. The details of the Khasra numbers and the areas covered by the said khasra numbers are as under:-

S.No.	Khasra No.	Area
1.	39/11	3-16
2.	39/12	4-11
3.	39/14/1	0-04

4.	39/17/1	0-10
5.	39/17/2	1-04
6.	39/19	4-16
7.	39/22	4-16
8.	39/23/2	2-08
9.	39/24/1	1-04

3. Mr. Khurshid, the learned senior counsel appearing on behalf of the petitioners, states that some of the khasra numbers, which form part of the land, have been left out, in respect of which a separate petition would be filed.

4. While it has been contended on behalf of the petitioners that physical possession of the land has not been taken, the learned counsel for the respondents disputed this fact. However, we find that the stand taken by the respondents is not tenable for the simple reason that in a previous writ petition filed by the petitioners being W.P.(C) 7747/2012, a Division Bench of this Court had specifically directed as under:-

“We thus direct that the petitioners will continue to enjoy the possession of the land till such time as the order dated 04.12.2008 is complied with by the concerned authorities of the respondents and for a period of fifteen (15) days of the communication of the decision to the

petitioners by the respondents so that in case of an adverse verdict the petitioners are not left remediless.

5. The respondents have not challenged that order and the same has become final. It is an admitted position that no proceedings for taking possession were conducted after the order dated 12.12.2012 passed in the said Writ Petition being W.P.(C) 7747/2012. The obvious corollary to this is that the petitioners continued to be in possession of the abovementioned lands. It is an admitted position that compensation has not been paid to the petitioners. Therefore, all the ingredients necessary for invoking the provisions of Section 24(2) of the 2013 Act stand satisfied. This case is fully covered by our decision in the case of **Surender Singh** (*supra*). Accordingly, it is declared that the acquisition in respect of the subject lands, which have been specified above, shall be deemed to have lapsed under the provisions of Section 24(2) of the 2013 Act.

6. The writ petition is allowed to the aforesaid extent. No costs.

BADAR DURREZ AHMED, J

SIDDHARTH MRIDUL, J

SEPTEMBER 23, 2014/‘sn’