

## S U P R E M E C O U R T O F I N D I A

## RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 2592 OF 2015

Petition(s) for Special Leave to Appeal (C) No(s).  
33569/2014(Arising out of impugned final judgment and order dated  
27/05/2014 in WPC No. 2806/2004 passed by the High Court Of  
Delhi At New Delhi)

GOVT. OF NCT OF DELHI AND ORS

Petitioner(s)

VERSUS

JAGJIT SINGH AND ORS

Respondent(s)

WITH

CIVIL APPEAL NO. 2586 OF 2015  
SLP(C) No. 2125/2015CIVIL APPEAL NO. 2587 OF 2015  
SLP(C) No. 2122/2015CIVIL APPEAL NO. 2588 OF 2015  
SLP(C) No. 390/2015CIVIL APPEAL NO. 2589 OF 2015  
SLP(C) No. 384/2015CIVIL APPEAL NO. 2590 OF 2015  
SLP(C) No. 393/2015CIVIL APPEAL NO. 2591 OF 2015  
SLP(C) No. 383/2015

Signature Not Verified

CIVIL APPEAL NO. 2593

Digitally signed by OF 2015  
Usha Rani Bhardwaj

SLP(C) No. 2724/2015

Date: 2015.02.28

11:55:44 IST

Reason:

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Date : 27/02/2015 These petitions were called on for Judgment  
today.

For Petitioner(s)

Ms. Rachana Srivastava, Adv.

For Respondent(s)

Mr. Ravinder Sethi, Sr. Adv.  
Mr. Rajeev Kumar Ghawana, Adv.  
Mr. Gautam Narayan, Adv.

Mr. E. C. Agrawala, Adv.

Hon'ble Mr. Justice Vikramajit Sen pronounced the Reportable judgment of the Bench comprising His Lordship and Hon'ble Mr. Justice Shiva Kirti Singh.

Leave granted.

Appeals are dismissed of in terms of the Reportable Judgment.

(NEELAM GULATI) (TAPAN KUMAR CHAKRABORTY)  
COURT MASTER COURT MASTER  
(Reportable Signed judgment is placed on the file)

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REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2592 of 2015  
[Arising out of SLP(C)No. 33569 of 2014]

GOVT.OF NCT OF DELHI AND ORS .. APPELLANT

VERSUS

JAGJIT SINGH AND ORS .. RESPONDENTS

WITH

CIVIL APPEAL NO. 2586 of 2015  
[Arising out of SLP(C) No. 2125 of 2015]  
WITH

CIVIL APPEAL NO. 2587 of 2015  
[Arising out of SLP(C) No. 2122 of 2015]

WITH

CIVIL APPEAL NO. 2588 of 2015  
[Arising out of SLP(C) No. 390 of 2015]

GOVT.OF NCT OF DELHI & ORS. ..APPELLANTS

VERSUS

SUDHAR SAMITI RAJIV NAGAR EXT (REGD.)  
AND ORS. ..RESPONDENTS

WITH

4  
CIVIL APPEAL NO. 2589 of 2015  
[Arising out of SLP(C) No. 384 of 2015]

WITH

CIVIL APPEAL NO. 2590 of 2015  
[Arising out of SLP(C) No. 393 of 2015]

WITH

CIVIL APPEAL NO. 2591 of 2015  
[Arising out of SLP(C) No. 383 of 2015]

WITH

CIVIL APPEAL NO. 2592 of 2015  
[Arising out of SLP(C) No. 2724 of 2015]

JUDGMENT

VIKRAMAJIT SEN, J.

1 Any determination under Section 24(2) of the Right to Fair  
Compensation and Transparency in Land Acquisition Rehabilitation and  
Resettlement Act, 2013, must proceed sequentially. First, the factum of an  
Award under Section 11 of the Land Acquisition Act, 1894, must be clearly  
established. The said Award must predate the commencement of the Act, i.e.,  
01.01.2014., by at least five years (or more), i.e., the Award must have been  
passed on or before 01.01.2009. This having been established, if possession is  
found to not have been taken, or compensation not paid, then the proceedings  
shall be deemed to have lapsed. Thereafter, the appropriate Government, if it so  
chooses, may reinitiate acquisition proceedings in respect of the same land, but  
under the 2013 Act's regime.

2 Each and every deeming operation under Section 24(2) requires  
unambiguously and unvaryingly that a factual conclusion be drawn about the  
passing of the Award under Section 11, of the 1894 Act, on or before  
01.01.2009; further, the absence of compensation having been paid or the  
absence of possession having been taken by the acquirer, either of these, must  
be a proven point of fact, as a threshold requirement attracting the lapse.

3 This Court has in a number of decisions including Pune Municipal  
Corporation vs. Harakchand Misirimal Solanki (2014) 3 SCC 183, Union of  
India vs. Shiv Raj (2014) 6 SCC 564 and Bimla Devi vs. State of Haryana  
(2014) 6 SCC 583, clarified the manner in which the new provision is to be  
interpreted viz., that the acquisition lapses.

4 It has been contended in other Appeals before this Court that the Right to  
Fair Compensation and Transparency in Land Acquisition, Rehabilitation and  
Settlement Ordinance, 2014, issued on 31st December, 2014, clarifies that if

possession of the acquired land has not been taken owing to interim Orders passed in this regard the acquisition may be protected and insulated from the purpose and intendment of Section 24 of the 2013 Act. This Court has now clarified in Radiance Fincap (P) Ltd. v. Union of India & Ors. [Civil Appeal No. 4283 of 2011 decided on 12.01.2015] that the Ordinance shall have prospective operation only. This Court therein held as under:

"The right conferred to the land holders/owners of the acquired land under Section 24(2) of the Act is the statutory right and, therefore, the said right cannot be taken away by an Ordinance by inserting proviso to the abovesaid sub-Section without giving retrospective effect to the same."

The legal position has been subsequently reiterated by this Court in Arvind Bansal v. State of Haryana (Civil Appeal Nos.417-418 of 2015 decided on 13.01.2015) and Karnail Kaur v. State of Punjab [Civil Appeal No. 7424 of 2013 decided on 22.01.2015]. We are in respectful agreement with all these decisions. In the event that there is no ambiguity that (a) the Award is over five years old and (b) that compensation has not been paid or (c) that possession of the land has not been taken, the acquisition is liable to be quashed. In Rajiv Chowdhrie HUF v. Union of India [Civil Appeal No.8786 of 2013, decided on 06.02.2015], noting that the physical possession of the land had not been taken by the Respondents, nor compensation paid by the Respondents to the Appellant in respect whereof the Award was passed on 6.08.2007, the acquisition proceedings had been declared as having lapsed. The same position was arrived at in Rajiv Chowdhrie HUF v. Union of India in Civil Appeal No.8785 of 2013 decided on 10.12.2014 by a different Bench of this Court.

5 These Appeals assail one Judgment and an Order [passed in light of that Judgment] of a Division Bench of the Delhi High Court, which had allowed the Writ Petitions before it, and declared that the acquisitions had lapsed for the reason that the possession had not been taken and compensation, too, not paid. This is sufficient ground for granting the protection envisaged by Section 24(2) of the Land Acquisition Act, 2013.

6 The Appeals are dismissed in the above terms.

.....J.  
[VIKRAMAJIT SEN]

....J

New Delhi,  
February 27, 2015.

.....  
[SHIVA KIRTI SINGH]