

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

I.A. NO. 5 OF 2016

IN

CIVIL APPEAL NO. 2853 OF 2009

VIJAY KUMAR

APPLICANT/APPELLANT

VERSUS

UNION OF INDIA & ORS.

RESPONDENTS

J U D G M E N T

KURIAN, J.

1. The learned senior counsel appearing for respondent No.2 submits that the possession having been taken, the mere non-payment of compensation will not result in lapse under Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2. Though the submission made by the learned senior counsel for respondent on possession is in dispute, in the nature of the view we propose in this case, it is not necessary to go into that aspect. It is seen that out of the three co-owners, in respect of two co-owners, the Court has declared that the acquisition proceedings have lapsed. In that view of the matter, we allow this application, leaving the question of law open.

3. In view of the order passed in I.A. No.5/2006, C.A. No.2853/2009 is also allowed. It is declared that the land acquisition proceedings, in respect of the land admeasuring 13 Bigha, 14 Biswas bearing Khasra Nos.10/30 and 5/25/2/1, Village Sahipur, Delhi initiated as per Notification dated 13.11.1959 under Section 4 of the Land Acquisition Act, 1894 culminating in Award dated 24.06.1968, have lapsed and consequently those proceedings are set aside.

4. Appeal is allowed. No costs.

.....J.
[KURIAN JOSEPH]

.....J.
[ROHINTON FALI NARIMAN]

NEW DELHI;
MAY 11, 2016

JUDGMENT