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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 3078/2022 CM APPL. 8919/2022

RAJPAL & ORS.

..... Petitioner

Through: Mr.Rajesh Gupta, Mr.Harpreet Singh,  
and Mr.Utsav Kumar Gupta,  
Advocates.

versus

UNION OF INDIA & ORS.

..... Respondent

Through: Mr.Sanjay Kumar Pathak, SC,  
Mr.Sunil Kumar Jha, Mr.M.S.Akhtar  
and Ms.Mussarrat Beneezer,  
Advocates for R2 and R3/LAC and  
L&B.

Mr.Nitin Mishra and Ms.Devika  
Mohan, Advocates for DDA.

**CORAM:**

**HON'BLE MR. JUSTICE VIBHU BAKHRU**

**HON'BLE MS. JUSTICE TARA VITASTA GANJU**

**ORDER**

% **06.02.2024**

1. The petitioners have filed present petition, *inter alia*, praying that the acquisition with respect of the land comprised in Khasra No.34//22 (4-16) in revenue estate of village Mubarakpur Dabas, Delhi (hereafter '**the subject land**') stands lapsed under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013 (hereafter '**the New Act**').

2. It is affirmed in the counter affidavit filed on behalf of the Land and Building Department as well as Land Acquisition Collector (earlier respondent nos.4 and 5) that LAC has neither taken possession of the land in question nor paid the compensation for the same. Paragraph no.10 of the counter affidavit is reproduced as under: -

"10. That as regards possession and compensation it is



humbly submitted that possession of land comprised in Khasra Nos. 34//22(4-16) have not been taken. So far as compensation amount is concerned, it is humbly submitted that compensation amount in respect of this khasra Nos. has not been paid.”

3. The learned counsel appearing for the Delhi Development Authority (DDA) submits that notwithstanding the fact that the possession of the subject land has not been taken over and the compensation has not been paid, the acquisition would not lapse in terms of Section 24(2) of the New Act by virtue of the orders passed by the Supreme Court in Civil Appeal no.2534/2023 captioned ***Delhi Development Authority v. Monika Shukla & Ors.*** He submits that by an order dated 10.04.2023, the Supreme Court had held in view of earlier orders, ‘*DDA will be deemed to be in possession of the land in question.*’ The Supreme Court had further clarified that the DDA is held to be in deemed possession of the land in question and there will not be any lapse of the acquisition under Section 24(2) of the New Act.
4. According to the learned counsel for DDA, the expression ‘land in question’ as referred to in the said decision would also include the land of the petitioners.
5. The learned counsel for the respondents seeks to produce the relevant record of the cases before the Supreme Court to establish that the ‘land in question’ in the orders passed by the Supreme Court, would also include the petitioners’ land. Let the same be filed within a week from date.
6. List on 21.02.2024.

**VIBHU BAKHRU, J**

**TARA VITASTA GANJU, J**

**FEBRUARY 06, 2024/M**

[Click here to check corrigendum, if any](#)