

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2022
(Arising out of SLP(C) No. 6665 of 2020)

DELHI DEVELOPMENT AUTHORITY

APPELLANT (S)

VERSUS

HARDEV SINGH & ORS.

RESPONDENT (S)

O R D E R

Leave granted.

This appeal takes exception to the judgment and order dated 17.08.2017 passed by the High Court of Delhi at New Delhi in WP(C) No.11649 of 2015, whereby the High Court has declared that the acquisition proceedings in respect of subject land had lapsed in terms of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, 'the 2013 Act').

From the impugned judgment, it is noticed that the High Court essentially proceeded on the basis of the decisions of this Court which have now been either reversed or explained by the Constitution Bench in the

case of *Indore Development Authority vs. Manoharlal & Ors.* reported in (2020) 8 SCC 129.

As a result, it would be appropriate that parties are relegated before the High Court for reconsideration of the matter afresh in light of the decision of the Constitution Bench.

There is some controversy in respect of factum of possession. According to the appellant, possession was taken before the cut-off date; whereas the respondent would contend that it is only a paper possession taken one day before the cut-off date.

As we are inclined to relegate the parties before the High Court, we do not express any opinion either way on these pleas taken by the parties, including on the factum of compensation amount deposited by the authority is sufficient or substantial compliance of the requirement of payment of compensation in terms of the Constitution Bench judgment.

Accordingly, the impugned judgment and order passed by the High Court is set aside.

We are informed that some more matters are remanded to the High Court arising from the same notification. Presently, those cases are notified for 17.08.2022.

It will be open to the parties to request the High Court to list this remanded writ petition alongwith those cases on the same date.

All contentions available to the parties are left open.

The appeal(s) stand disposed of in the above terms.

Pending applications, if any, stand disposed of.

.....J
(A.M. KHANWILKAR)

.....J
(J.B. PARDIWALA)

New Delhi
July 22, 2022

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2022
(Arising out of SLP(C) No.9060 of 2019)

DELHI DEVELOPMENT AUTHORITY

APPELLANT(S)

VERSUS

RAJIV AGRO PVT. LTD. & ORS.

RESPONDENT(S)

O R D E R

Despite service, no appearance has been entered on behalf of private respondent(s).

Leave granted.

This appeal takes exception to the judgment and order dated 13.11.2017 passed by the High Court of Delhi at New Delhi in WP(C) No. 6234/2016, whereby the High Court has declared that the acquisition proceedings in respect of subject land had lapsed in terms of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, 'the 2013 Act').

In the present case, it is noticed from the impugned judgment that the High Court adverted to the affidavit filed by Land Acquisition Collector and yet did not

analyze the same. In other words, the High Court merely referred to the Supreme Court decisions without recording any clear finding on the factum of possession and payment of compensation, as the case may be.

Accordingly, we deem it appropriate, in the interest of justice, to set aside the impugned judgment and order and relegate the parties before the High Court for reconsideration of the writ petition(s) on its own merits and in accordance with law alongwith other connected writ petition(s) concerning the same notification, as noted in orders dated 12.11.2021 and 13.07.2022 passed in C.A. No. 6796 of 2021 titled as "*Delhi Development Authority Vs. Anil Kr. Gupta & Ors.*" and C.A. No. 4713 of 2022 titled as "*Delhi Development Authority Vs. Daya Singh & Ors.*" respectively, keeping in mind the exposition of the Constitution Bench of this Court in *Indore Development Authority vs. Manoharlal & Ors.*, reported in (2020) 8 SCC 129.

All contentions available to both sides are left open, including the plea taken by the parties and noted in the order dated 13.07.2022 in C.A. No. 4713 of 2022.

The appeal is disposed of in the above terms.

Pending application(s) shall stand disposed of.

.....J
(A.M. KHANWILKAR)

.....J
(J.B. PARDIWALA)

New Delhi
July 22, 2022

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2022
(Arising out of SLP(C) No. _____ of 2022)
[Diary No. 21515 of 2019]

DELHI DEVELOPMENT AUTHORITY

APPELLANT(S)

VERSUS

RISAL SINGH & ORS.

RESPONDENT(S)

O R D E R

Delay condoned.

Leave granted.

This appeal takes exception to the judgment and order dated 17.08.2017 passed by the High Court of Delhi at New Delhi in WP(C) No. 6530/2015, whereby the High Court has declared that the acquisition proceedings in respect of subject land had lapsed in terms of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, 'the 2013 Act').

In this appeal, we find that the High Court has taken note of the stand taken on affidavit by the Delhi Development Authority that the compensation amount was duly disbursed/remitted to the Land Acquisition

Collector/Land and Building Department, Govt. of NCT of Delhi. The High Court in paragraph 8 has then noted that the respondent(s) had not denied that compensation of suit land has not been paid.

The High Court has not dealt with the efficacy of the plea taken by the Delhi Development Authority on affidavit. In our opinion, the matter requires fresh consideration of the stand taken by both sides, including the effect of the stay order operating during the relevant period, as a result of which, the authorities were not in a position to take physical possession of the suit land.

All contentions available to both sides be considered appropriately by the High Court in the remanded proceedings keeping in mind the exposition of the Constitution Bench of this Court in *Indore Development Authority vs. Manoharlal & Ors.*, reported in (2020) 8 SCC 129.

Accordingly, we deem it appropriate, in the interest of justice, to set aside the impugned judgment and order and relegate the parties before the High Court for reconsideration of the writ petition(s) on its own merits and in accordance with law alongwith writ petitions to be

heard together in terms of order dated 13.07.2022 in C.A. No. 4713 of 2022 arising from same notification.

All contentions available to both sides are left open, including the plea taken by the parties and noted in the order dated 13.07.2022 in C.A. No. 4713 of 2022.

The appeal is disposed of in the above terms.

Pending application(s) shall stand disposed of.

.....J
(A.M. KHANWILKAR)

.....J
(J.B. PARDIWALA)

New Delhi
July 22, 2022

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2022
(Arising out of SLP(C) No. _____ of 2022)
[Diary No. 15758 of 2021]

DELHI DEVELOPMENT AUTHORITY

APPELLANT(S)

VERSUS

DILBAGH RAI NARULA & ORS.

RESPONDENT(S)

O R D E R

Despite service, no appearance has been entered on behalf of private respondent(s).

Delay condoned.

Leave granted.

This appeal takes exception to the judgment and order dated 17.08.2017 passed by the High Court of Delhi at New Delhi in WP(C) No. 11368/2015, whereby the High Court has declared that the acquisition proceedings in respect of subject land had lapsed in terms of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, 'the 2013 Act').

In this appeal, it is noticed from the impugned judgment that the High Court has reproduced the relevant portion of the affidavit filed on behalf of the

Government of NCT of Delhi in paragraph No. 4 of the impugned judgment but has not dealt with the effect of that plea in the analysis and has jumped to the conclusion that neither possession of suit land taken nor any compensation of the suit land has been tendered. Additionally, the Delhi Development Authority had filed affidavit to point out that compensation has been disbursed/remitted to the Land Acquisition Collector on 10.10.1996. This aspect has also not been dealt with appropriately in the impugned judgment.

Accordingly, we deem it appropriate, in the interest of justice, to set aside the impugned judgment and order and relegate the parties before the High Court for reconsideration of the writ petition(s) on its own merits and in accordance with law alongwith writ petitions to be heard together in terms of order dated 13.07.2022 in C.A. No. 4713 of 2022 arising from same notification, keeping in mind the exposition of the Constitution Bench of this Court in *Indore Development Authority vs. Manoharlal & Ors.*, reported in (2020) 8 SCC 129.

All contentions available to both sides are left open, including the plea taken by the parties and noted

in the order dated 13.07.2022 in C.A. No. 4713 of 2022.

The appeal is disposed of in the above terms.

Pending application(s) shall stand disposed of.

.....J
(A.M. KHANWILKAR)

.....J
(J.B. PARDIWALA)

New Delhi
July 22, 2022

ITEM NO.42

COURT NO.3

SECTION XIV

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

Petition(s) for Special Leave to Appeal (C) No(s). 6665/2020

(Arising out of impugned final judgment and order dated 17-08-2017 in WPC No. 11649/2015 passed by the High Court Of Delhi At New Delhi)

DELHI DEVELOPMENT AUTHORITY

Petitioner(s)

VERSUS

HARDEV SINGH & ORS.

Respondent(s)

(IA No. 27561/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

WITH

SLP(C) No. 9060/2019 (XIV)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 52418/2019, IA No. 52418/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Diary No(s). 21515/2019 (XIV)

(IA No. 91887/2019 - CONDONATION OF DELAY IN FILING

IA No. 91888/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 169602/2019 - EXEMPTION FROM FILING THE POWER OF ATTORNEY, IA No. 127787/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Diary No(s). 15758/2021 (XIV)

(IA No. 87737/2021 - CONDONATION OF DELAY IN FILING, IA No. 87738/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 22-07-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR

HON'BLE MR. JUSTICE J.B. PARDIWALA

For Petitioner(s)

Ms. Binu Tamta, AOR

Mr. Dhruv Tamta, Adv.

For Respondent(s)

Mr. Vinay K. Shailendra, Adv.

Mr. Jagjit Singh Chhabra, AOR

Ms. Worthing Kasar, Adv.

Mr. Saksham Maheshwari, Adv.

Ms. Astha Tyagi, AOR

Mr. Dinesh Chander Trehan, Adv.

Ms. Neha Tripathi, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

Leave granted.

The appeals are allowed in terms of the signed order(s).

Pending applications, if any, stand disposed of.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
ASSISTANT REGISTRAR

[Four signed orders are placed on the file]