

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2021
(Arising out of SLP (C)No. _____ of 2021)
[Diary No. 10415 of 2021]

THE LAND AND BUILDING
DEPARTMENT & ANR.

Appellant(s)

VERSUS

DEVENDER KUMAR GUPTA & ORS.

Respondent(s)

O R D E R

Delay condoned.

Leave granted.

This appeal takes exception to the judgment and order dated 22.08.2016 passed by the High Court of Delhi at New Delhi in Writ Petition(C) No. 7753 of 2015.

Despite service, private respondent No.1 (writ-petitioner) has not chosen to appear.

The High Court had allowed the writ petition filed by the respondent No.1 and declared that the acquisition proceedings in respect of the subject land stood lapsed in terms of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

The High Court had noted in the impugned judgment that the appellants had claimed that the possession of

the land was taken on 31.08.2005 in accordance with law. That fact has not been refuted.

On the other hand, the High Court proceeded to allow the writ petition on the finding that the compensation has not been paid, without going into the factum of physical possession.

In light of the exposition of the Constitution Bench of this Court in *Indore Development Authority vs. Manohar Lal & Ors.*, 2020 (8) SCC 129, the view taken by the High Court cannot be countenanced.

Accordingly, this appeal deserves to be allowed. The impugned judgment and order of the High Court is set aside.

Consequently, the writ petition filed by the respondent No. 1 before the High Court stands dismissed.

Pending applications, if any, stand disposed of.

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

.....,J.
(C.T. RAVIKUMAR)

New Delhi;
September 24, 2021.

ITEM NO.30 Court 3 (Video Conferencing) SECTION XIV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 10415/2021

(Arising out of impugned final judgment and order dated 22-08-2016 in WPC No. 7753/2015 passed by the High Court Of Delhi At New Delhi)

THE LAND AND BUILDING DEPARTMENT & ANR. Petitioner(s)

VERSUS

DEVENDER KUMAR GUPTA & ORS. Respondent(s)

IA No. 59207/2021 - CONDONATION OF DELAY IN FILING
IA No. 59208/2021 - EXEMPTION FROM FILING O.T.)

Date : 24-09-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE C.T. RAVIKUMAR

For Petitioner(s)

Ms. Sujeeta Srivastava, AOR

For Respondent(s)

Mr. Vishnu B. Saharya, Adv.
Mr. Viresh B. Saharya, Adv.
Mr. Vivek B. Saharya, Adv.
M/S. Saharya & Co., AOR

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

Delay condoned.

Leave granted.

The appeal is allowed in terms of the signed order.

Pending applications, if any, stand disposed of.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)

[Signed order is placed on the file]

