

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1491 OF 2022

DELHI DEVELOPMENT AUTHORITY . . . APPELLANT

VERSUS

AMARJEET KAUR & ORS. .... RESPONDENTS

WITH

CIVIL APPEAL NO. 936 OF 2023  
(@SLP(C) No. 2651/2023)

O R D E R

CIVIL APPEAL NO. 1491 OF 2022

We have heard learned counsel appearing on behalf of the respective parties.

Feeling aggrieved and dissatisfied with the impugned judgment and order dated 02-05-2017 passed by the High Court of Delhi at New Delhi in Writ Petition (Civil) No. 7052/2015, by which the High Court has allowed the said writ petition preferred by respondent no.1 herein/original writ petitioner and has declared the acquisition with respect to the land in question as lapsed under Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the 2013 Act'), the Delhi Development Authority (DDA) has preferred the present appeal.

Contd.

Form the impugned judgment and order passed by the High Court and even from the counter affidavit filed before the High Court, to which no rejoinder seems to have been filed on behalf of the original writ petitioner, it appears that it was the specific case on behalf of the Land and Building Department (LAC) before the High Court, so stated in paragraphs 5 (vii) and (ix) that the possession of the acquired land was taken over and handed over to DDA by the LAC, Govt. of NCT of Delhi on 07.06.1967.

In support of the above, possession proceedings has been placed on record. Despite the above, by the impugned judgment and order and without commenting anything on the case of the appellant/DDA that the possession of the land in question was taken over and was handed over to the DDA, solely relying upon the decision of this Court in the case of Pune Municipal Corporation & Anr. Vs. Harakchand Misirimal Solanki & Ors. (2014) 3 SCC 183, the High Court has allowed the writ petition and has declared that the acquisition with respect to the land in question as lapsed under Section 24 (2) of the 2013 Act.

The decision of this Court in the case of Pune Municipal Corporation (supra) has been subsequently overruled by the Constitution Bench decision of this Court in the case of Indore Development Authority vs. Manoharlal and Others, (2020) 8 SCC 129.

contd..

In that view of the matter, the impugned judgment and order passed by the High Court is unsustainable. However, at the same time, the High Court has not considered anything, more particularly, on the case on behalf of the DDA that the possession of the acquired land was, in fact, taken over in the year 1967 and was handed over to DDA, the matter is to be remanded to the High Court to decide the writ petition afresh in accordance with law and on its own merits in light of the law laid down by this Court in the case of Indore Development Authority (supra) and/or any other decisions which may be cited and on the basis of the material already on record.

In view of the above and for the reasons stated hereinabove, the present Appeal succeeds. The impugned judgment and order passed by the High Court is hereby quashed and set aside. The matter is remitted back to the High Court to decide the same afresh in accordance with law and on its own merits and in view of the law laid down by this Court in the case of Indore Development Authority (supra) and/or any other decisions which may be cited and on the basis of the material already on record. The aforesaid exercise be completed by the High Court within a period of nine months from the date of receipt of the present order.

contd..

The present appeal is accordingly allowed. No costs.

CIVIL APPEAL NO.936 OF 2023  
(@SLP(C) No. 2651/2023)

Leave granted.

In view of the order passed in Civil Appeal No. 1491 of 2022, Civil Appeal No. 936 of 2023 @ SLP(C) No. 2651/2023, which is also against the very impugned judgment and order, stands disposed of.

.....J.  
[M.R. SHAH]

.....J.  
[C.T. RAVIKUMAR]

.....J.  
[SANJAY KAROL]

NEW DELHI  
FEBRUARY 09, 2023

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

Civil Appeal No(s). 1491/2022

DELHI DEVELOPMENT AUTHORITY

Appellant(s)

VERSUS

AMARJEET KAUR &amp; ORS.

Respondent(s)

WITH

SLP(C) No. 2651/2023 (XIV)

( FOR CONDONATION OF DELAY IN FILING ON IA 57792/2021

FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA  
57793/2021, IA No. 57792/2021 - CONDONATION OF DELAY IN FILING  
IA No. 57793/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT)

Date : 09-02-2023 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.R. SHAH

HON'BLE MR. JUSTICE C.T. RAVIKUMAR

HON'BLE MR. JUSTICE SANJAY KAROL

For Parties

Ms. Sujeeta Srivastava, AOR

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Mr. Ashutosh Kaushik, Adv.

Mr. Manish Vashist, Adv.

Mr. Huzefa Ahmadi, Sr. Adv.

Mr. Shivam Singh, Adv.

Mr. Rohan Sharma, Adv.

Ms. Shaswati Parhi, Adv.

Mr. Gopal Singh, AOR

UPON hearing the counsel the Court made the following

O R D E R

Civil Appeal No. 1491/2022

The present appeal is allowed in terms of the signed  
order.

Pending application(s) shall stand disposed of.

Contd..

SLP(C) No. 2651/2023

Leave granted.

In view of the order passed in Civil Appeal No. 1491 of 2022, Civil Appeal No. 936 of 2023 @ SLP(C) No. 2651/2023, which is also against the very impugned judgment and order stands disposed of in terms of the signed order.

Pending application(s) shall stand disposed of.

(NEETU SACHDEVA)  
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)  
ASSISTANT REGISTRAR

(signed order is placed on the file)