

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. \_\_\_\_\_ OF 2022  
(Arising from SLP(C) No. \_\_\_\_\_ of 2022)  
[Diary No. 8056 of 2021]

DELHI DEVELOPMENT AUTHORITY

Appellant(s)

VERSUS

AMARJEET KAUR & ORS.

Respondent(s)

O R D E R

Delay condoned.

Leave granted.

Despite service, the respondent(s) have not chosen to appear.

The appeal arises from the judgment and order dated 02.05.2017 passed by the High Court of Delhi at New Delhi in W.P.(C) No. 7052 of 2015 whereby the High Court allowed the writ petition filed by the respondent No.1 for a declaration that the subject acquisition proceedings had lapsed.

The High Court has decided the matter by following its own decision in Smt. Harbans Kaur V. Govt of NCT of Delhi and Ors. in W.P.(C) No. 5538 of 2014 decided on 02.02.2015.

The principle stated therein, however, stands overruled by the Constitution Bench of this Court in *Indore Development Authority vs. Manoharlal & Ors.* reported in (2020) 8 SCC 129. As the record indicates that the possession of the property in question had already been taken by the authorities after passing of the award on 12.05.1967, the declaration as sought regarding lapsing of the acquisition was unavailable to the writ petitioner.

Accordingly, this appeal ought to succeed. The impugned judgment and order is set aside and the writ petition filed before the High Court stands rejected.

The appeal is disposed of in the above terms.

Pending applications, if any, stand disposed of.

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

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

NEW DELHI;  
FEBRUARY 18, 2022.

