

ITEM NO.11

COURT NO.4

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). 7350/2023

(Arising out of impugned final judgment and order dated 03-01-2018 in WP(C) No. 7040/2015 passed by the High Court Of Delhi At New Delhi)

LAND ACQUISITION COLLECTOR (NORTH EAST)

Petitioner(s)

VERSUS

GANPATI ROLLING (P) LTD

Respondent(s)

(FOR ADMISSION and I.R. and IA No.56524/2023-CONDONATION OF DELAY IN FILING and IA No.56525/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.56526/2023-EXEMPTION FROM FILING O.T.)

Date : 29-03-2023 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MR. JUSTICE C.T. RAVIKUMAR

For Petitioner(s) Ms. Sujeeta Srivastava, AOR

For Respondent(s)

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

It is the case on behalf of the petitioner that, even according to the original writ petitioner, although the possession of the subject land was taken but compensation was not paid and therefore, in view of the decision of the Constitution Bench of this Court in the case of Indore Development Authority vs. Manoharlal & Ors. Etc. reported in 2020 (8) SCC 129, there shall be deemed lapse of acquisition. It is submitted that therefore the possession of the land in question was already taken over. It is submitted that, as such, according to the petitioner, the Award was made on 31.01.2008 and the notices were issued to the land owners

to receive the compensation. However, they did not receive the compensation and therefore, the amount of compensation was deposited in the Government treasury. It is submitted that therefore there shall be no deemed lapse of acquisition under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Applying the law laid down by this Court in the case of Indore Development Authority (supra) and the recent decision of this Court that when the landowner did not come forward to receive the compensation, though offered, there after they cannot make any grievance and take the plea that as the compensation is not paid, there shall be deemed lapse.

Issue notice on the application for condonation of delay as well on the Special Leave Petition, returnable on 01.05.2023.

Dasti, in addition, is permitted.

Respondents be served within a period of 10 days from today.

(R. NATARAJAN)
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)
ASSISTANT REGISTRAR