

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). 27975/2022

(Arising out of impugned final judgment and order dated 02-07-2015 in WP(C) No. 2642/2014 passed by the High Court Of Delhi At New Delhi)

GOVERNMENT OF NCT OF DELHI & ANR.

Petitioner(s)

VERSUS

RAJESH KHANNA & ORS.

Respondent(s)

(IA No.25954/2023-CONDONATION OF DELAY IN FILING and IA No.25957/2023-EXEMPTION FROM FILING O.T. and IA No.25959/2023-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS)

WITH

Diary No(s). 21004/2022 (XIV)

(IA No.26650/2023-CONDONATION OF DELAY IN FILING and IA No.26652/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.26653/2023-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS)

Diary No(s). 27989/2022 (XIV)

(FOR ADMISSION and I.R. and IA No.26778/2023-CONDONATION OF DELAY IN FILING and IA No.26780/2023-EXEMPTION FROM FILING O.T. and IA No.26783/2023-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS)

Date : 13-02-2023 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) Mr. Atul Kumar, AOR
Ms. Sweety Singh, Adv.
Ms. Archana Kumari, Adv.
Mr. Rahul Pandey, Adv.
Mr. AVS Kadyan, Adv.
Ms. Rachita Kadyan, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E RDiary No(s). 27975/2022

Delay in refiling is condoned.

It is the case on behalf of the petitioners that in the present case, the possession of land in question was taken over on

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31.12.2013. However, thereafter and despite the above and relying upon the decision of this Court in the case of Pune Municipal Corporation & Anr. vs. Harakchand Misirimal Solanki & Ors., (2014) 3 SCC 183 and on the ground that compensation was not paid to the original writ petitioner, the High Court has allowed the writ petition which is just contrary to the decision of the Constitution Bench of this Court Indore Development Authority vs. Manoharlal and Others, (2020) 8 SCC 129.

Issue notice on the application for condonation of delay as well as on the Special Leave Petition, making it returnable on 20.03.2023.

Dasti service, in addition, is permitted.

The respondents be served within a period of one week from today.

Diary No(s). 21004/2022

Delay in refiling is condoned.

Learned counsel appearing on behalf of the petitioners has vehemently submitted that in the present case, the possession of disputed land could not be taken due to stay/pending litigation. Therefore, in view of the decision of the Constitution Bench of this Court Indore Development Authority vs. Manoharlal and Others, (2020) 8 SCC 129, there shall not be any deemed lapse under Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Issue notice on the application(s) for condonation of delay as well as on the Special Leave Petition, making it returnable on 20.03.2023.

Dasti service, in addition, is permitted.

The respondents be served within a period of ten days from today.

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Diary No(s). 27989/2022

Delay in refiling is condoned.

It is the case on behalf of the petitioners that in the present case, the possession of land in question was taken over on 14.07.1987. Therefore, in view of the decision of the Constitution Bench of this Court Indore Development Authority vs. Manoharlal and Others, (2020) 8 SCC 129, there shall not be any deemed lapse under Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Issue notice on the application for condonation of delay as well as on the Special Leave Petition, making it returnable on 20.03.2023.

Dasti service, in addition, is permitted.

The respondents be served within a period of one week from today.

(NEETU SACHDEVA)
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)
ASSISTANT REGISTRAR