

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2022
(Arising out of SLP(C) No. _____ of 2022)
[Diary No. 20492 of 2019]

DELHI DEVELOPMENT AUTHORITY

APPELLANT(S)

VERSUS

INDU ARORA AND ORS.

RESPONDENT(S)

O R D E R

Delay condoned.

Leave granted.

This appeal takes exception to the judgment and order dated 14.09.2016 passed by the High Court of Delhi at New Delhi in WP(C) No. 7324 of 2015, whereby the High Court has declared that the acquisition proceedings in respect of subject land had lapsed in terms of 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 High Court, in the present case, has held that neither physical possession of the subject land was taken by the land acquiring agency nor compensation has been paid to the writ petitioner. On both these counts,

our attention has been invited to the reply filed by the acquiring authority/State to contend that manifest error has been committed by the High Court in reaching at that conclusion.

Learned counsel for the respondent was at pains to persuade us that the High Court has appropriately dealt with the factual position regarding possession in paragraph 3 of the impugned judgment. In our opinion, the analyses by the High Court in that regard is not sufficient much less proper.

Accordingly, we deem it appropriate, in the interest of justice, to set aside the impugned judgment and order and relegate the parties before the High Court for reconsideration of the writ petition(s) on its own merits and in accordance with law, keeping in mind the exposition of the Constitution Bench of this Court in *Indore Development Authority vs. Manoharlal & Ors.*, reported in (2020) 8 SCC 129.

The parties to appear before the High Court on 17.08.2022, when the High Court may proceed to hear the remanded matter on that day or assign a suitable date for disposing of the same expeditiously.

The appeal is disposed of in the above terms.

Pending application(s) shall stand disposed of.

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

.....J
(J.B. PARDIWALA)

New Delhi
July 22, 2022

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2022
(Arising out of SLP(C) No. _____ of 2022)
[Diary No. 10613 of 2020]

DELHI DEVELOPMENT AUTHORITY

APPELLANT(S)

VERSUS

RAVINDER SINGH AND ORS.

RESPONDENT(S)

O R D E R

Delay condoned.

Leave granted.

This appeal takes exception to the judgment and order dated 29.01.2018 passed by the High Court of Delhi at New Delhi in WP(C) No. 5214 of 2015, whereby the High Court has declared that the acquisition proceedings in respect of subject land had lapsed in terms of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, 'the 2013 Act').

In the present case, the High Court has allowed the prayer for declaration that the acquisition proceedings had lapsed merely on the finding that the compensation has not been paid to the writ petitioner(s). At the

same time, in the operative part of the order, the High Court recognized the fact that possession of the subject land had been taken over by acquiring authority as stated in the reply affidavit filed by the acquiring authority in response to the writ petition. In other words, the fact that possession was already taken on 20.06.1980 is not in dispute. On that finding, no relief of declaration could be granted to the writ petitioner as the title in the suit land vested in the State/acquiring authority. This is reinforced from the *exposition* of the Constitution Bench in *Indore Development Authority vs. Manoharlal & Ors.*, reported in (2020) 8 SCC 129. In such a situation, no relief of declaring that the subject acquisition proceedings had lapsed could be countenanced.

Hence, the impugned judgment and order is set aside and the appeal stand(s) allowed.

Consequently, the writ petition(s) filed by the private respondent(s) before the High Court stands dismissed.

Pending application(s) shall stand disposed of.

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

.....J
(J.B. PARDIWALA)

New Delhi
July 22, 2022

ITEM NO.39

COURT NO.3

SECTION XIV

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

Petition(s) for Special Leave to Appeal (C) No(s). 592-593/2020

(Arising out of impugned final judgment and order dated 12-09-2014 in WP(C) No. 2294/2014 02-09-2016 in REVP No. 355/2016 passed by the High Court Of Delhi At New Delhi)

DELHI DEVELOPMENT AUTHORITY

Petitioner(s)

VERSUS

SURENDER SINGH & ANR. ETC.

Respondent(s)

WITH

Diary No(s). 20492/2019 (XIV)

(IA No. 89624/2019 - CONDONATION OF DELAY IN FILING, IA No. 89625/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Diary No(s). 10613/2020 (XIV)

Date : 22-07-2022 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE J.B. PARDIWALA

For Petitioner(s)

Ms. Binu Tamta, AOR
Mr. Dhruv Tamta, Adv.

For Respondent(s)

Mr. Gopal Sankaranarayanan, Sr. Adv.
Mr. Sumeer Sodhi, AOR.
Mr. Aman Nandrajog, Adv.
Mr. Arjun Nanda, Adv.
Ms. Dhruv Wadhwa, Adv.
Ms. Jhanvi Dubey Vij, Adv.

Mr. Gopal Jha, AOR

Ms. Sujeeta Srivastava, AOR

Mr. Chandra Prakash, AOR
Mr. C.P. Rajwar Adv.
Mr. Vivek Singh, Adv.
Mr. Abhishek Chaterjee Adv.

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

SLP(C) No(s). 592-593/2020

List these matters alongwith SLP(C) No. 1778 of 2017 on
27.07.2022.

Diary No(s). 20492/2019 and

Delay condoned.

Leave granted.

The appeal is disposed in terms of the signed order.

Pending applications, if any, stand disposed of.

Diary No(s). 10613 of 2020

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)
ASSISTANT REGISTRAR

[Signed orders are placed on the file]