

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5114 OF 2018

DELHI DEVELOPMENT AUTHORITY

APPELLANT(S)

VERSUS

MS RAM JIWANI & ORS.

RESPONDENT(S)

WITH

CIVIL APPEAL NO.2484 OF 2023

(Arising out of SLP(C) No.6980/2023 @ Diary No.7054/2023)

O R D E R

Delay condoned and leave granted in Special Leave Petition (C) Diary No.7054 of 2023.

2. Feeling aggrieved and dissatisfied with the impugned judgment and order dated 13.02.2017 passed by the High Court of Delhi at New Delhi in Writ Petition (C) No.4212 of 2016, by which the High Court has allowed the said writ petition preferred by respondent No.1 herein and has declared that the acquisition with respect to the land in question is deemed to have lapsed under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 ("the 2013 Act", for short), the Delhi Development Authority as well as

the Government of NCT of Delhi have preferred the present appeals.

3. From the impugned judgment and order passed by the High Court, it appears and which is not even disputed by the learned counsel appearing for respondent No.1 that the physical possession of the subject land was already taken over.

3.1 However, despite the said finding recorded by the High Court in paragraph 3 of the impugned judgment, thereafter relying upon the decision of this Court in the case of '*Pune Municipal Corporation & Ors. vs. Harakchand Misirimal Solanki & Ors.*', reported in (2014) 3 SCC 183 and on the ground that the compensation has not been tendered/paid to the original land owner, the High Court has allowed the writ petition and has declared that the acquisition with respect to the land in question is deemed to have lapsed.

3.2 The view taken by the High Court is just contrary to the subsequent decision of the Constitution Bench of this Court in the case of '*Indore Development Authority vs. Manoharlal and Others*', reported in (2020) 8 SCC 129.

4. In the case of Indore Development

Authority (supra), the relied upon decision rendered in *Pune Municipal Corporation & Ors.* (supra) has been overruled by this Court.

5. In view of the above and, more particularly, considering the fact that in the present case, admittedly, the physical possession of the subject land has been taken and even handed over to the beneficiary Department, namely, Delhi Development Authority, there shall not be any deemed lapse under Section 24(2) of the 2013 Act.

6. In view of the above and for the reasons stated above, the present appeals succeed. The impugned judgment and order passed by the High Court is hereby quashed and set aside. There shall not be any deemed lapse of the acquisition under Section 24(2) of the 2013 Act as observed by the High Court in the impugned order.

7. The present appeals are accordingly allowed. No costs.

....., J.  
(M.R. SHAH)

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

ITEM NO.16

COURT NO.4

SECTION XIV-A

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). 5114/2018

DELHI DEVELOPMENT AUTHORITY

Appellant(s)

VERSUS

MS RAM JIWANI &amp; ORS.

Respondent(s)

(IA No. 13048/2022 - APPLICATION FOR PERMISSION, IA No. 155864/2018 - CLARIFICATION/DIRECTION, IA No. 13049/2022 - PERMISSION TO PLACE ON RECORD SUBSEQUENT FACTS)

WITH

Diary No.7054/2023 (XIV-A)

(IA No. 53576/2023 - CONDONATION OF DELAY IN FILING AND IA No. 53577/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 06-04-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.R. SHAH

HON'BLE MR. JUSTICE C.T. RAVIKUMAR

For Parties

Ms. Astha Tyagi, AOR  
Mr. Abhishekar Roy, Adv.

Ms. Manika Tripathy, AOR  
Mr. Ashutosh Kaushik, Adv.  
Mr. Manish Vashist, Adv.

Mr. Mahaling Malikarjun Pandarge, Adv.  
For Mr. Abhijit Sengupta, AOR

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

Delay condoned and leave granted in Special Leave Petition (C) Diary No.7054 of 2023.

The present appeals are allowed in terms of the signed order.

Pending applications also stand disposed of.

(NEETU KHAJURIA)  
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)  
ASSISTANT REGISTRAR

(Signed order is placed on the file.)

