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IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1806 OF 2023  
(Arising out of SLP (C) No. 5460/2023)  
(D. No. 10213/2022)

LAND AND BUILDING DEPARTMENT AND ANR.

Appellant(s)

VERSUS

BALWAN (DEAD) AND ORS.

Respondent(s)

O R D E R

1. Application for impleadment of the applicants, being LRS of the original respondent No.1 is allowed. Registry is directed to amend the cause title accordingly.
2. Delay condoned.
3. Leave granted.
4. Feeling aggrieved and dissatisfied with the impugned judgment and order dated 03.11.2015 passed by the High Court of Delhi at New Delhi in Writ Petition (C) No. 1836 of 2015, by which the High Court has allowed the said Writ Petition and has declared that the acquisition with respect to the land comprised in Khasra No. 1/16 (4-11) admeasuring 4 bighas and 11 biswas in Village Kirari Suleman Nagar 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 (hereinafter referred to as "the 2013 Act"), the Land and Building Department & Another of the Government of Delhi have preferred preferred the present appeal.
5. From the impugned judgment and order passed by the High Court and even from the counter filed on behalf of the appellants, filed

before the High Court, it was the specific case on behalf of the appellants that out of the total land admeasuring 4 bighas and 11 biswas, the physical possession of 2 bighas could not be taken over. As regards the balance 2 bighas and 11 biswas, the physical possession of the same was taken on 13.10.2006. However thereafter, on the ground that the compensation with respect to the entire land admeasuring 4 bighas and 11 biswas had not been paid, relying upon the decision of this Court in the case of Pune Municipal Corporation and Another vs. Harakchand Misirimal Solanki and Others reported in (2014) 3 SCC 183, the High Court has allowed the Writ Petition and has declared that the acquisition with respect to the entire land in question admeasuring 4 bighas and 11 biswas is deemed to have lapsed.

6. Learned counsel appearing on behalf of the contesting respondents has submitted that, as such, physical taking over of the possession have been with respect to the 2 bighas and 11 biswas alleged to have been taken on 13.10.2006 was disputed before the High Court. However, no rejoinder to the counter to the aforesaid fact was filed before the High Court. Merely orally disputing the taking over of physical possession is not enough.

7. Even otherwise, from the possession proceedings produced on record, it appears that physical possession of the land admeasuring 2 bighas and 11 biswas (West) was taken over by drawing the possession panchnama on 13.10.2006 along with possession of the other lands.

8. As observed and held by the Constitution Bench of this Court in the case of Indore Development Authority vs. Manoharlal & Ors.

*Etc.* reported in 2020 (8) SCC 129 taking over the possession by drawing of panchnama/possession proceedings is sufficient compliance. It is to be noted that the decision of this Court in the case of *Pune Municipal Corporation (supra)* has been overruled by the Constitution Bench of this Court in the case of *Indore Development Authority (supra)*.

9. In view of the above, when the possession of 2 bighas and 11 biswas (West) at Khasra No. 1/16 (4-11) was taken over by the authority, as far as back on 13.10.2006, the High Court is not justified in declaring that the acquisition with respect to the entire land, namely, 4 bighas and 11 biswas (West) is deemed to have lapsed. The High Court ought to have restricted the lapsing *qua* 2 bighas of land only. To that extent, the impugned judgment and order passed by the High Court is required to be quashed and set aside.

10. In view of the above and for the reasons stated above, the present Appeal succeeds in part. The impugned judgment and order passed by the High Court declaring that the acquisition with respect to 2 bighas and 11 biswas (West) out of the land bearing Khasra No. 1/16 (4-11) is deemed to have lapsed under Section 24(2) of the 2013 Act is hereby quashed and set aside.

The present Appeal is partly allowed to the aforesaid extent.  
No costs.

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

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

New Delhi;  
March 20, 2023

