

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 7532 OF 2022
(Arising out of SLP (C) 18550/2022
@ D. No. 21153 of 2022)

DELHI DEVELOPMENT AUTHORITY

Appellant(s)

VERSUS

RAJNISH KUMAR SINGLA & ORS.

Respondent(s)

O R D E R

Delay condoned.

Leave granted.

Though served, none appeared on behalf of the respondents.

We have heard learned counsel appearing for the appellant.

Feeling aggrieved and dissatisfied with the impugned judgment and order dated 26.11.2018 passed by the Division Bench of the High Court, disposing the writ petition preferred by the defendants/original writ petitioners and declaring that the acquisition with respect to the land in question has lapsed under 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 Delhi Development Authority [DDA] has preferred the present Appeal.

Before the High Court, it was the specific case on behalf of the DDA that the possession of the land in question was already taken over long back. However, by the impugned judgment and order and without going into the controversy of the physical possession,

the High Court has declared the acquisition lapsed under Section 24(2) of the 2013 Act on the ground that admittedly the compensation has not been paid.

It is not in dispute and it cannot be disputed that the decision of this Court in the case of Pune Municipal Corporation & Anr. vs. Harakchand Misirimal Solanki & Ors., (2014) 3 SCC 183 has been subsequently overruled by the Constitution Bench of this Court in the case of Indore Development Authority vs. Manoharlal and Others, (2020) 8 SCC 129.

In that view of the matter, the impugned judgment and order passed by the High Court declaring that the acquisition of the land has been lapsed under Section 24(2) of the 2013 Act on the ground that the compensation has not been paid is unsustainable. However, at the same time, as the High Court has not gone into the controversy of physical possession, the matter is to be remanded to the High Court on the aforesaid aspect alone.

In view of the above and for the reasons stated above, the present Appeal succeeds. The impugned judgment and order passed by the High Court is hereby quashed and set aside. The matter is remanded to the High Court to decide the aspect of possession only as it is the case on behalf of the appellant that the possession of the land in question was already taken over, which was disputed by the landowners.

The present Appeal is, accordingly, allowed. No costs.

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

..... J.
(M.M. SUNDRESH)

New Delhi;
October 17, 2022.

ITEM NO.39

COURT NO.6

SECTION XIV-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SLP (Civil) D. No(s). 21153/2022

DELHI DEVELOPMENT AUTHORITY

Petitioner(s)

VERSUS

RAJNISH KUMAR SINGLA & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.132528/2022-CONDONATION OF DELAY IN FILING and IA No.132530/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.132532/2022-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS and IA No.132531/2022-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 17-10-2022 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Petitioner(s) Ms. Arti Singh, AOR
Mr. Aakashdeep Singh Roda, Adv.
Ms. Pooja Singh, Adv.
Mr. Basant Pal Singh, Adv.

For Respondent(s)

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

Delay condoned.

Leave granted.

The present Appeal is allowed in terms of the signed order.

Pending applications stand disposed of.

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

(NISHA TRIPATHI)
ASSISTANT REGISTRAR

(Signed order is placed on the file)