

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. \_\_\_\_\_ OF 2022  
(@ Special Leave Petition (C) No. \_\_\_\_\_ of 2022)  
(@ Diary No. 21817/2022)

DELHI DEVELOPMENT AUTHORITY

...APPELLANT

VERSUS

MOHINDER KUMAR JAIN (DECEASED)  
THR. LR. & ORS.

....RESPONDENTS

O R D E R

Delay condoned.

Leave granted.

Feeling aggrieved and dissatisfied with the impugned judgment and order dated 11-09-2015 passed by the High Court of Delhi at New Delhi in Writ Petition (Civil) No. 3492/2002, by which the High Court has allowed the said writ petition and has declared the acquisition with respect to the land in question as 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 has preferred the present appeal.

Having heard learned counsel for the respective parties and having gone through the impugned judgment and order passed by the High Court, it appears that while declaring the acquisition in question as lapsed under Section 24(2) of the 2013 Act, the High Court has relied

Contd..

upon the decision of this Court in the case of Pune Municipal Corporation & Anr. Vs. Harakchand Misirimal Solanki & Ors. (2014) 3 SCC 183. It is not in dispute and it cannot be disputed that the decision of this Court in the case of Pune Municipal Corporation (supra) has been subsequently over-ruled by the Constitution Bench decision 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 the acquisition with respect to land in question as lapsed under Section 24(2) of the 2013 Act is unsustainable and the same deserves to be quashed and set aside.

However, at the same time as in the main writ petition before the High Court, the acquisition under the provisions of the Land Acquisition Act, 1894 was under challenge including notification under Section 4 and the invocation of Section 17(1) of the Land Acquisition Act, 1894 and the same has not been decided on merits, the matter is to be remanded to the High Court to consider the writ petition afresh on other points which may be available to the respective parties including the appellant. However, the dispute with respect to lapse under Section 24(2) of the 2013 Act is concluded.

In view of the above and for the reasons stated hereinabove, the impugned judgment and order passed by

Contd..

the High Court is hereby quashed and set aside. The matter is remanded to the High Court to decide and dispose of the Writ Petition afresh in accordance with law and on its own merits and on other grounds which were raised by the appellant before the High Court. It is specifically observed and clarified the issue with respect to lapse under Section 24(2) of the 2013 Act is concluded and the same shall not be re-opened and/or considered by the High Court on remand.

The present appeal is allowed to the aforesaid extent. No costs.

.....J.  
[M.R. SHAH]

.....J.  
[M.M. SUNDRESH]

NEW DELHI  
OCTOBER 17, 2022

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. 21817/2022  
(Arising out of impugned final judgment and order dated 11-09-2015  
in WP(C) No. 3492/2002 passed by the High Court of Delhi at New  
Delhi)

DELHI DEVELOPMENT AUTHORITY

Petitioner(s)

VERSUS

MOHINDER KUMAR JAIN (DECEASED) THR. LR. &amp; ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.126338/2022-CONDONATION OF DELAY  
IN FILING and IA No.126341/2022-EXEMPTION FROM FILING C/C OF THE  
IMPUGNED JUDGMENT )  
IA No.153829 /2022 (Appln. for impleadment)

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

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

For Petitioner(s) Mr. Ravi Bharuka, AOR  
Mr. Ankit Agarwal, Adv.

For Respondent(s) Mr. Tripurari Ray, Adv.  
Mr. B.V. Niren, Adv.  
Mr. Kshitij Mudgal, Adv.  
Mr. Rakesh Kumar, AOR

Mr. Atul Kumar, AOR  
Ms. Sweety Singh, Adv.  
Mr. Rahul Pandey, Adv.  
Mr. Rajiv Ranjan, Adv.

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

Delay condoned.

Leave granted.

Application for impleadment is allowed.

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

Pending application (s) shall stand disposed of.

(NEETU SACHDEVA)  
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)  
ASSISTANT REGISTRAR

(signed order is placed on the file)