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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 15705/2024**

VINAY BHASIN

.....Petitioner

Through: Mr. N.S. Vasisht, Ms. Jyoti Kataria and Mr. Aashu Tyagi, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Vikrant N. Goyal, SPC with Mr. Vidur Dwivedi, GP for R-1 and R-2.

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

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12.11.2024

CM APPL. 65940/2024

1. Exemption is allowed, subject to all just exceptions.
2. The application is disposed of.

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3. This writ petition has been preferred seeking the following reliefs:-

“a. Issue a writ of mandamus, certiorari and/ or any other suitable writ, order and/ or direction to the respondents to acquire the land of the petitioner under the right to fair compensation and transparency in land Acquisition, Rehabilitation and re-settlement act, 2013 as per the judicial pronouncement of the Hon'ble Supreme Court of India in neutral citation no 2024 IN SC 456 titled as Delhi Development Authority vs. Tejpal and Ors with respect to 1 bigha of land of the petitioner comprised in Khasra no.18/3, situated in the revenue estate of village Pansali, Tehsil Kanjawalla, Nct Of Delhi.

b. Pass any other or further order(s) which this Hon'ble Court may deem fit and proper in the interest of justice.”



4. We, however, find that in the batch of writ petitions which came to be disposed of by the Supreme Court, the petitioner had admittedly been placed in 'List-E.2'.

5. Insofar as the 'List-E.2' landholders were concerned, the Supreme Court had held as follows:-

“80. Having condoned the delay and upon grant of leave and after perusing the material on record, we find that the cases which form part of the appended “List E.2” are squarely covered in favour of the appellants in terms of *Manoharlal [Indore Development Authority (Lapse-5 J.) v. Manoharlal*, (2020) 8 SCC 129, para 366 : (2020) 4 SCC (Civ) 496]. While it may not be feasible to give detailed analysis of each of these cases, suffice it would be to show the same illustratively. For instance, in SLP (C) Diary No. 19172 of 2019, titled “*DDA v. Vijay Mohan*”, while the possession was admittedly not taken, compensation was paid on 9-8-2005. Accordingly, the test laid down in *Manoharlal [Indore Development Authority (Lapse-5 J.) v. Manoharlal*, (2020) 8 SCC 129, para 366 : (2020) 4 SCC (Civ) 496] has been met and the acquisition proceedings cannot be deemed to have lapsed under the 2013 Act.

81. All such civil appeals are accordingly allowed, the impugned judgment of the High Court in each case is set aside, and the acquisition of the respondents' lands under the 1894 Act is consequently upheld. This will, however, not preclude the respondents from recovery of the compensation amount, if not already paid or to the extent it is not paid, along with interest and other statutory benefits under the 1894 Act. Similarly, they shall be at liberty to seek reference under Section 18 of the 1894 Act in accordance with law. The Government of NCT of Delhi and its authorities are directed to take physical possession of the lands falling under this category (i.e. “List E.2”), if not already taken and continue uninterruptedly to complete the public infrastructure projects.”

6. Learned counsel for the writ petitioner, however, submits that since and in terms of the penultimate directions which were framed, it is open for the petitioner to raise all issues including the factual disputes that were recognized to exist, it would be permissible for it to question its classification under the said judgment and to address the contentions which are sought to be canvassed on the instant writ



petition.

7. We, however, find ourselves unable to countenance that submission, bearing in mind the imperative operative directions which had come to be rendered insofar as 'List E.2' is concerned. It would clearly not be open for this Court to re-examine or re-evaluate the classification and categorization of the petitioner independently.

8. We consequently find ourselves unable to grant the writs as prayed for.

9. The writ petition shall stand dismissed.

YASHWANT VARMA, J.

DHARMESH SHARMA, J.

NOVEMBER 12, 2024/g