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

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**W.P.(C) 6750/2018 and CM APPL. 44559/2019**

SUMAN

..... Petitioner

Through: Mr. Lalit Bhardwaj and Mr. M.K. Malhotra, Advs.

versus

GOVERNMENT OF NCT OF DELHI

& ORS

..... Respondents

Through: Mr. Sanjay Kumar Pathak, SC with Mr. M.S. Akhtar, Ms. Nidhi Thakur, Ms. M. Benazir and Mr. Mayank Arora, Advs. for R-1.  
Ms. Sukhbeer Kour Bajwa, Adv. for DDA.  
Ms. Manika Tripathy, Standing Counsel with Mr. Ashutosh Kaushik and Mr. Rony John, Advs.

**CORAM:**

**HON'BLE MR. JUSTICE VIBHU BAKHRU**

**HON'BLE MS. JUSTICE TARA VITASTA GANJU**

**ORDER**

**01.05.2024**

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1. The petitioner has filed the present petition, *inter alia*, praying that compensation be paid in respect of the subject land in view of the provisions of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereafter "*the 2013 Act*") in respect of the subject land. The petitioner claims that he is entitled to 1/18<sup>th</sup> share of the subject land which is described as Khasra No. No.481/1(01-15), 482/2 (00-10), 481/3 (00-10), 481/4 (01-15), 49/10/1 (00-05), 18/2/1 (01-05), 13/2/1(01-14), 52/14 (03-01), 17(05-07), 20/11 (04-16), 12/1(03-01), 21/15/2 (02-08) 272/1(01-16), 15/2/2 (00-10) total land admeasuring 26 Bigha 02 Biswas situated in Revenue Estate of Village



Karawal Nagar, Shahdra, New Delhi.

2. The present petition is premised on the basis that the acquisition of the subject land had lapsed by virtue of Section 24(2) of the 2013 Act. Admittedly, the possession of the subject land was taken over. However, it is claimed that the compensation was not paid.

3. The foundation of the present petition does not hold good in view of the subsequent decision of the Supreme Court in *Indore Development Authority v. Manoharlal*, (2020) 8 SCC 129. In the said decision, the Supreme Court had clarified that both the conditions – the possession of the land has not been taken over and compensation has not been paid – are required to be cumulatively satisfied for the acquisition to lapse under Section 24(2) of the 2013 Act. Since it is admitted that the possession of the subject land was taken over, the provisions of Section 24(2) of the 2013 Act.

4. The petition is, accordingly, dismissed.

5. It is, however, clarified that this would not preclude the petitioner from availing of other remedies in respect of the subject land, in accordance with law.

**VIBHU BAKHRU, J**

**TARA VITASTA GANJU, J**

**MAY 01, 2024/r**