



\$~14

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

+ W.P.(C) 6112/2017

SURAJ PAL SINGH & ORS.

..... Petitioners

Through: Ms.Moumita Mondal, Advocate.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr.Sanjay Kumar Pathak, SC,
Mr.Sunil Kumar Jha and Mr.Mayank
Arora, Advocates for R1.
Mr.Ghanshyam Mishra Advocate for
UOI.

Mr.Nitin Mishra, Advocate for DDA.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

%

28.03.2024

1. The petitioners claim to be co-owners to the extent of petitioners 1/3rd joint share in the land described as Khasra no.213(4-12), 214/1(0-17), 214(4-14), 217(4-16), 218(4-16), 237/2(3-18), 271(4-16), 302(4-16), 303(4-16) total measuring 38 bighas 1 biswas, as well as co-owners to the extent of 1/12th joint share in the land described as Khasra no.170(0-4), 315(4-16), 316(1 -10), 317(6-0), total measuring 12 bighas 10 biswas, situated in the revenue estate of village, Kotla Mahigram, Tehsil Mehrauli, Delhi (hereafter the *subject land*).

2. The petitioners have filed the above captioned petition relying upon the interpretation of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereafter the *2013 Act*) as upheld by the Supreme Court in ***Pune Municipal Corporation & Anr. v. Harakchand Misirimal Solanki & Ors : (2014) 3 SCC 183.***



3. According to the petitioners, they were neither paid the compensation nor has the actual physical possession been taken over by the concerned authorities. Therefore, according to the petitioner, in terms of the Section 24(2) of the 2013 Act, the acquisition has lapsed.

4. The petitioners also rely upon the decision of the Supreme Court in *Pune Municipal Corporation (supra)*.

5. The respondents have filed the counter-affidavits affirming that actual physical possession of the subject land was taken over from persons in possession and handed over to the Delhi Development Authority (DDA) vide the proceedings dated 04.12.1986, 17.07.1987 and 12.12.1996. The copies of the said proceedings have also been annexed with the present petition.

6. The learned counsel appearing on behalf of the petitioners is unable to dispute that possession of the subject lands was taken over by the concerned authorities. He fairly states that in view of the decision of the Constitution Bench in *Indore Development Authority v. Manohar Lal and Ors.: (2020) 8 SCC 129* the challenge to the acquisition is not sustainable.

7. In view of above, the petition stands is dismissed.

VIBHU BAKHRU, J

GIRISH KATHPALIA, J

MARCH 28, 2024

M

Click here to check corrigendum, if any