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

+ **W.P.(C) 6084/2017**

PREM CHAND & ORS.

..... Petitioners

Through: Ms.Moumita Mondal, Advocate.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr.Kavindra Gill, SPC for UOI.
Mr.Siddharth Panda, Advocate for
LAC/L & B Deptt.
Mr.Nitin Mishra, Advocate for DDA.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

28.03.2024

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1. The petitioners have filed the present petition, *inter alia*, praying as under:-

“a. Pass a writ, order or direction in the nature of writ of declaration, thereby declaring the acquisition proceedings initiated in respect of the land of the petitioners with respect to their land i.e. 1/4 joint share in Khasra No. 252/1(2-0), 253(2-6), 254(3-14), 258/1(2-16), 257(4-18), 259(1-10), 260(2-8), 262(2-0), 312(2-12) and 313(2-2) total measuring 26 Bighas 6 Biswas, situated in the revenue estate of Village Kotla Mahigram, Tehsil-Mehrauli, Delhi, as deemed to have lapsed in view of the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013;”

2. It is the case of the petitioners that since the compensation amount was not paid in respect of the subject land, the acquisition has lapsed by virtue of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereafter the 2013 Act).



3. The said petition was filed on the basis of the decision of the Supreme Court in *Pune Municipal Corporation & Anr. v. Harakchand Misirimal Solanki & Ors.*: (2014) 3 SCC 183. However, the said decision stands overruled by the decision of the Supreme Court in *Indore Development Authority v. Manohar Lal and Ors.*: (2020) 8 SCC 129, which was delivered after the present petition was filed.
4. Since admittedly, the possession of the subject land was taken over, both the conditions as stipulated in Section 24(2) of the 2013 Act are not satisfied cumulatively.
5. Thus, in the light of the above decision of the Supreme Court in *Indore Development Authority v. Manohar Lal and Ors.*(*supra*), the challenge to the acquisition must fail.
6. Accordingly, the petition is dismissed.

VIBHU BAKHRU, J

GIRISH KATHPALIA, J

MARCH 28, 2024

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Click here to check corrigendum, if any