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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 6768/2017**
ROOP CHAND AND ORS

..... Petitioner

Through: Ms.Moumita Mondal, Advocate.

versus

UOI AND ORS

..... Respondent

Through: 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 petitioner with respect to their land i.e. 5/12 joint share in Khasra no. 28/15/2 (2-3), 29/7/1 (2-5), and 29/6 (0-13) total measuring 5 bigha 1 biswas situated in the revenue estate of village Saidabad, Tehsil-Mehrauli, New 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, which has since been overruled by the Supreme Court in a later decision in *Indore Development Authority v. Manohar Lal & Ors.*: (2020) 8 SCC 129.

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 decisions of the Supreme Court in *Indore Development Authority v. Manohar Lal & 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