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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 15629/2023&CM APPL. 59769/2025**
SH LAL CHAND THROUGH LEGAL HEIRS & ANR.

.....Petitioners

Through: Mr. Aman Saroha, Adv.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Mr. Sanjay Kumar
Pathak, Standing Counsel
with Mrs. K.K. Kiran
Pathak, Mr. Sunil Kumar
Jha, Mr. Divakar Kapil,
Advs for R-
LAC/L&B/GNCTD.
Ms. Manika Tripathy, SC
for DDA with Ms. Latika
Malhotra, Advocates.

CORAM:
HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER
04.11.2025

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1. Petitioners, claiming to be the owners of the land in question,
has moved before this Court seeking following relief:

*“a) Issue a writ, order or declaration declaring
that the entire acquisition proceedings i.e.
Section 4 Notification dated 12-06-1997, Section
6 declaration dated 28-07-1997 and Award no.
3/99-2000 dated 20-07 1999 in respect of
Petitioners land in Khasara No. 32/ 3/1, 8/1*



admeasuring total 5 bighas 6 biswa situated in Village Holambi Khurd, Delhi, have lapsed in view of sub-section 2 of section 24 of the Right To Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013;

b) Issue a writ of certiorari thereby quashing the acquisition proceedings i.e. Section 4 notification dated 12-06-1997, Section 6 declaration dated 28-07-1997 and award no. 3/99-2000 dated 20-07-1999 in respect of Petitioners land i.e. Khasra No. 32/ 3/1, 81 admeasuring total 5 bighas 6 biswa situated in Holanmbi Khurd, Delhi;

c) Issue a writ of Mandamus directing the Respondents not to in any manner whatsoever; interfere with the recorded possession of the said land;

d) Pass such other orders or further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case."

2. It appears that the land of petitioner was notified under Section 4 of the Land Acquisition Act 1894 for acquisition on 12th June 1997 and the award came to be made passed on 21st July 1999.

3. It also appears that the land in question was to be put to public use; however, the purpose for which the land was acquired was not achieved, and the acquiring body requested respondent no.1/Land Acquisition Collector (**LAC**) to release the land from acquisition. The affidavit shown by LAC, particularly paragraph 11, reads as under:

"11. That it is submitted that after passing of the award No. 3/1999-2000, a letter dated 13.12.2000 sent by Sh. C.B.K. Rao, Director Project and Planning for de-notification of land notified u/s 4, 17 & 6 of the Land Acquisition



Act, 1894 (hereinafter referred as the Old Act). Again letter dated 14.05.2001 was sent by Sh. C.B.K. Rao, Director Project and Planning for de-notification of land. Thereafter vide letter dated 23.06.2014 issued by Chief Engineer/Gen. DMRC requesting to Principal Secretary (L&B), Govt. of NCT of Delhi for refund of the compensation amount. The true copy of letter dated 13.12.2000 sent by DMRC to the Addl. Director - cum Joint Secretary (Transport), Transport Department GNCTD is annexed as ANNEXURE R-1. Letter dated 04.05.2001 sent by DMRC to the Addl. Director (Transport), Transport Department GNCTD is annexed as ANNEXURE R-1/2. Letter dated 23.06.2014 sent by DMRC to Principal Secretary (L&B) Govt. of NCT of Delhi for refund of the compensation amount is annexed as ANNEXURE R-1/3.”

4. Since the land was acquired by the Delhi Metro Rail Corporation (**‘DMRC’**), which had requested for de-notification and refund of compensation, in response to the Court's query, it is informed that the possession was never taken and handed over to **DMRC**.

5. A categorical submission has been made by counsel appearing for petitioners that the land in question remained in possession of petitioners despite the passing of the award.

6. As such, the factual matrix reported hereinabove prompts us to draw an inference that neither possession of land of the petitioner was taken nor compensation was paid.

7. In such an eventuality, the case of petitioner is squarely covered by the judgment of the Apex Court in **Indore Development Authority**



v. Manoharlal & Ors. (2020) 8 SCC 129. Relevant observations of the Apex Court in the said matter reads as under:

“366. In view of the aforesaid discussion, we answer the questions as under:

366.1. Under the provisions of Section 24(1)(a) in case the award is not made as on 1-1-2014, the date of commencement of the 2013 Act, there is no lapse of proceedings. Compensation has to be determined under the provisions of the 2013 Act.

366.2. In case the award has been passed within the window period of five years excluding the period covered by an interim order of the court, then proceedings shall continue as provided under Section 24(1)(b) of the 2013 Act under the 1894 Act as if it has not been repealed.

366.3. The word “or” used in Section 24(2) between possession and compensation has to be read as “nor” or as “and”. The deemed lapse of land acquisition proceedings under Section 24(2) of the 2013 Act takes place where due to inaction of authorities for five years or more prior to commencement of the said Act, the possession of land has not been taken nor compensation has been paid. In other words, in case possession has been taken, compensation has not been paid then there is no lapse. Similarly, if compensation has been paid, possession has not been taken then there is no lapse.

366.4. The expression “paid” in the main part of Section 24(2) of the 2013 Act does not include a deposit of compensation in court. The consequence of non-deposit is provided in the proviso to Section 24(2) in case it has not been deposited with respect to majority of landholdings then all beneficiaries (landowners) as on the date of notification for land acquisition under Section 4 of the 1894 Act shall be entitled to compensation in accordance with the provisions of the 2013 Act. In case the obligation



under Section 31 of the Land Acquisition Act, 1894 has not been fulfilled, interest under Section 34 of the said Act can be granted. Non-deposit of compensation (in court) does not result in the lapse of land acquisition proceedings. In case of non-deposit with respect to the majority of holdings for five years or more, compensation under the 2013 Act has to be paid to the “landowners” as on the date of notification for land acquisition under Section 4 of the 1894 Act.

366.5. *In case a person has been tendered the compensation as provided under Section 31(1) of the 1894 Act, it is not open to him to claim that acquisition has lapsed under Section 24(2) due to non-payment or non-deposit of compensation in court. The obligation to pay is complete by tendering the amount under Section 31(1). The landowners who had refused to accept compensation or who sought reference for higher compensation, cannot claim that the acquisition proceedings had lapsed under Section 24(2) of the 2013 Act.*

366.6. *The proviso to Section 24(2) of the 2013 Act is to be treated as part of Section 24(2), not part of Section 24(1)(b).*

366.7. *The mode of taking possession under the 1894 Act and as contemplated under Section 24(2) is by drawing of inquest report/memorandum. Once award has been passed on taking possession under Section 16 of the 1894 Act, the land vests in State there is no divesting provided under Section 24(2) of the 2013 Act, as once possession has been taken there is no lapse under Section 24(2).*

366.8. *The provisions of Section 24(2) providing for a deemed lapse of proceedings are applicable in case authorities have failed due to their inaction to take possession and pay compensation for five years or more before the 2013 Act came into force, in a proceeding for land acquisition pending with the*



authority concerned as on 1-1-2014. The period of subsistence of interim orders passed by court has to be excluded in the computation of five years.

366.9. Section 24(2) of the 2013 Act does not give rise to new cause of action to question the legality of concluded proceedings of land acquisition. Section 24 applies to a proceeding pending on the date of enforcement of the 2013 Act i.e. 1-1-2014. It does not revive stale and time-barred claims and does not reopen concluded proceedings nor allow landowners to question the legality of mode of taking possession to reopen proceedings or mode of deposit of compensation in the treasury instead of court to invalidate acquisition.”

(emphasis added)

8. In the aforesaid background, having regard to the stand of the respondent as reproduced hereinabove, the fact remains that the possession continues with the petitioner and the compensation has not been received. That being so, we are not hesitant in declaring that the acquisition in questions stands lapsed under *sub-section 2 of Section 24 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR)*.

9. It is declared that the acquisition of the land of petitioners stand lapsed. As far as the refund of amount of compensation amount by LAC to DMRC is concerned, in case the petitioner claims any damages for having suffered acquisition without payment of compensation, the refund of compensation to DMRC shall be only upon an *indemnity* being executed to the effect that, in case the claim of petitioner is allowed, DMRC shall adequately compensate the petitioners. With the above declaration and observations, the petition



stands allowed.

CM APPL. 59769/2025 (seeking waiver of cost)

1. Since the affidavit has already been placed on record by respondent no.1/LAC, consent is extended by counsel for petitioners for recalling the order of costs, the application is allowed in terms of the prayer clause therein.
2. Application is, accordingly, disposed of.
3. Order be uploaded on the website of this Court.

NITIN WASUDEO SAMBRE, J

ANISH DAYAL, J

NOVEMBER 4, 2025/RK/tk