



2026:DHC:3872-DB



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

Date of decision: 5th May, 2026

Uploaded on: 7th May, 2026

+ **W.P.(C) 4957/2026 & CM APPL. 24375/2026**

SATISH KUMAR AND ANR

.....Petitioner

Through: Mr. Kamlesh Kumar Mishra, Ms
Renu, Mr. Swagata Gupta, Adv.

versus

GOVT OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Sanjay Kumar Pathak SC with
Mrs. K. Kaomudi Kiran Pathak, Mr.
Sunil Kumar Jha, Mr. M. S. Akhtar,
Miss Joohu Kumari & Mr. Kushagra
Dixit, Advs.
Mr Arjun Mahajan SC, Ms Monica
Batra Adv, Mr Apoorv Upmanyu, Mr
Ravikant Kumar, Advs.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioners- Mr. Satish Kumar and Mr. Jagdish under Article 226 of the Constitution of India, *inter alia*, assailing the acquisition of land admeasuring 05 *Biswas* out of total land of 2 *Bighas*, 11 *Biswas*, in Khasra No. 28/4/2 (min.) situated in Village Bamnoli, Tehsil Kapashera, District South West (*hereinafter*, '*the subject land*').
3. The case of the Petitioners is that the subject land was never acquired



by the authorities and possession was also not taken. Further, it is also contended that the acquisition of the subject land has lapsed, pursuant to Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

4. Furthermore, Mr. Mishra, Id. Counsel for the Petitioner relies upon the document filed before the concerned District Judge, Dwarka Courts, concerning the proceedings of the subject land, wherein, the clear stand of the LAC is that the possession of subject land was not taken.

5. On the other hand, Mr. Pathak, Id. Counsel for the Land Acquisition Collector (*hereinafter*, 'LAC'), relies upon the final judgment of this Court dated 15th April, 2019 in ***W.P.(C) 1643/2016*** titled '***Satish Kumar and Ors. v. Govt of NCT of Delhi and Ors.***'. *Vide* the said judgment, the issue raised in the present petition has already been considered by a Coordinate bench of this Court, and it was held that no relief would be liable to be granted.

6. The Court has considered the matter. A perusal of the final judgment dated 15th April, 2019 in ***Satish Kumar and Ors. (Supra)*** would show that in the said judgment, all the aspects which are today sought to be canvassed in the present petition, have already been considered by a Coordinate bench of this Court.

7. The relevant portions of the judgement dated 15th April, 2019 in ***Satish Kumar and Ors. (Supra)*** are set out below:

"2. The Petitioners state that they are the recorded owners of the aforementioned land ad-measuring 01 bigha and 01 biswa comprising in khasra No. 28//4/1 min., situated in Village-Bamnoli, District-South-West, New Delhi. It is stated that the Petitioners Nos. 1 and 2 are co-owners of land admeasuring 5 biswas, each of them having half



share. The Petitioner Nos. 3 to 5 are stated to be the owners of 04 biswas each and the predecessors-in-interest of Petitioner No.6 (i) to (vii) was the owner of 04 biswas. It is stated that the khasra No. 28//4/1 min. is the post consolidation number after the acquisition proceedings took place in the said village in 1997.

3. The land in question was sought to be acquired by issuance of a notification dated 4th November 2004 under Section 4 of the Land Acquisition Act, 1894 ('LAA'). This notification was in respect of 2100 bighas and 06 biswas of land in village-Bamnoli and was for the public purpose of Dwarka Phase-II. This was followed by a declaration under Section 6 LAA on 31st October 2005. The Award No. 01/2007-08 was passed on 6th August 2007.

4. Earlier, Petitioners 1 to 5 filed W.P.(C)6686/2007 challenging the aforementioned Award. The said writ petition was dismissed by this Court on 16th May 2008.

5. The Petitioners claim that compensation qua 01 biswa of land in khasra No. 28//4/1 min. was paid to Petitioner Nos. 3 to 5 and that payment qua remained 03 biswas was withheld on some pretext. It was claimed that compensation was never offered to Petitioner Nos.1, 2 and 6. It is further stated that the Land Acquisition Collector ('LAC') deposited the compensation amount in the Court of the learned Additional District Judge ('ADJ') in August 2010. By a judgment dated 11th July 2011, the learned ADJ disposed of the reference permitting the interested persons and the land owners with liberty to withdraw the compensation qua the respective lands against bank guarantee. A separate order was made in that regard by the learned ADJ for the



interest amount.

6. It is stated that the further application filed by the interested persons before the learned ADJ for modification of the order dated 11th July 2011 was disposed of by permitting them to withdraw the compensation against their individual security rather than bank guarantee. The LAC thereafter on 25th September 2013 deposited Rs. 2,99,03,662/- by a cheque dated 3rd September 2013.

7. The Petitioners stated that the LAC itself informed the Reference Court that as far as the Petitioner Nos.1 and 2 was concerned out of the total land of 02 bighas 11 biswas, possession of 05 biswas was not taken and accordingly the corresponding payment for that extent of land has not been released. As regards Petitioner 6 (i) to (vii), of the total land of 02 bighas and 10 biswas, possession of 04 biswas was not taken. The Petitioners state that compensation for the land not yet taken possession of has not been paid till now. It is on the above basis it is contended on behalf of the Petitioners that notwithstanding the dismissal of the earlier writ petition challenging the Award, they would be entitled to a declaration of deemed lapsing of land acquisition proceedings under Section 24 (2) of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013. ('the 2013 Act').

8. The counter affidavits filed by both LAC and DDA consistently maintain that possession of the land in question was taken on 6th May 2010, although, the possession proceedings, therefore, have not been enclosed. The further consistent stand is regarding the deposit of the compensation amount in the Court



of the learned ADJ. The details of the actual compensation paid to some of the land owners/interested persons have also been set out in paragraph 8 of the reply filed by the LAC. This has been corroborated in a separate reply filed by the DDA. The rejoinder affidavits of the Petitioners are a mere reiteration of the averments in the petition.

9. There are several difficulties in granting the Petitioners the relief as prayed for by them. In the first place as regards possession of the lands which they claim has not been taken, it is seen that it comprises only a small portion of the entire extent land sought to be acquired by the Respondents. Even in this regard the question whether the LAC took over the possession of the entire land on 6th May 2010, or as contented by the Petitioners, a small extent was still left with the Petitioners, is a disputed question of fact which cannot possibly be examined in these proceedings.

10. Even as regards compensation, considering that the learned ADJ passed a final order in the reference, followed by an order regarding payment of interest thereon, it cannot be said in this case that no compensation was ever tendered by the LAC. Therefore, it is not possible to agree with the Petitioners that the either of the two conditions for attracting Section 24 (2) of the 2013 Act stand conclusively fulfilled. On the contrary, on the facts of the present case, the Petitioners have failed to make out a convincing case that neither has compensation been tendered nor has the possession been taken of the entire lands in question by the Respondents.

11. Apart from the disputed questions of fact, the Petitioners having earlier been unsuccessful in



*challenging the land acquisition proceedings, cannot be permitted to have an another round of litigation, this time for seeking the deemed lapsing of the land acquisition proceedings. In this context the following observations of the Supreme Court in **Indore Development Authority v. Shailendra (2018) 3 SCC 412** are relevant:*

*“130. We are of the view that stale or dead claims cannot be the subject-matter of judicial probing under section 24 of the Act of 2013. The provisions of section 24 do not invalidate those judgment/orders of the courts where under rights/claims have been lost/negated, neither do they revive those rights which have come barred, either due to inaction or otherwise by operation of law. Fraudulent and stale claims are not at all to be raised under the guise of section 24. Misuse of provisions of section 24(2) cannot be permitted. Protection by the courts in cases of such blatant misuse of the provisions of law could never have been the intention behind enacting the provisions of section 24 (2) of the 2013 Act; and, by the decision laid down in *Pune Municipal Corporation (supra)*, and this Court never, even for a moment, intended that such cases would be received or entertained by the courts.”*

*12. It may be noted here that the reference made by a Constitution Bench in **Indore Development Authority v. Shyam Verma (2018) 4 SCC 405** regarding the correctness of the aforesaid decision in **Indore Development Authority v. Shailendra (supra)** is only as regards the extent to which it differs from the earlier view of the Supreme Court*



in Pune Municipal Corporation v. Harakchand Misrimal Solanki (supra) regarding the tendering of compensation, and on certain other issues but not on the question of petitions seeking declaration under Section 24 (2) of the 2013 Act being barred by laches. This legal position was explained by this Court recently in Mool Chand v. Union of India 2019 (173) DRJ 595 DB.

13. For the aforementioned reasons, this petition is dismissed. The interim order dated 26th February 2016 which stood confirmed on 18th January 2018 stands vacated.”

8. Thus, the issue pertaining to the subject land of 05 biswas has already been considered by this Court, as evident from paragraph 7, extracted hereinabove.

9. In addition, the Coordinate bench of this Court has also considered the decision of the Supreme Court in *Indore Development Authority v. Manohar Lal & Ors.*, (2020) 8 SCC 129 and has held that the petition would not be maintainable.

10. Accordingly, the same issue cannot now be canvassed in a fresh writ petition, which would be the third round.

11. Under these circumstances, the present petition is not maintainable and is accordingly dismissed.

12. If any remedy for claiming compensation is still available, the Petitioners are at liberty to avail of the same, in accordance with law.

13. If such a claim for compensation is filed by the Petitioners, the LAC shall verify whether the compensation in respect of the subject land has been paid or not and if not, the same shall be released to the Petitioner.



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14. The present petition is disposed of in these terms. Pending applications, if any, are also disposed of.

PRATHIBA M. SINGH
JUDGE

MADHU JAIN
JUDGE

MAY 5, 2026/prg/sm

Signature Not Verified

Signed By:RENUKA
NEGI
Signing Date:07.05.2026
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