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

Date of Decision: 12th February, 2026

Uploaded on : 17th February, 2026

+ **W.P.(C) 6159/2024 & CM APPLs. 25642/2024, 54684/2024, 54606/2025, 54607/2025 & 3610/2026**

SHABAN KHAN & ANR.

.....Petitioners

Through: Ms. Neha Kapoor and Mr. Kaushal Mehta, Advs. (M:8076682348)

versus

GOVERNMENT OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Dhruv Rohatgi, Panel Counsel, GNCTD with Mr. Dhruv Kumar & Mrs. Chandrika Sachdev, Advs. for R-4. (M:9891558131)
Mr. Abhinav Sharma and Mr. Ujjwal Jain, Advs. for R-4. (M:8700463411)
Ms. Manika Tripathy, Standing Counsel DDA & Mr. Ashutosh Kaushik, Advocate & Mr. Shubham Bansal, Patwari DDA. (M:9711070545)
Ms. Maldives Sidhu, Adv. for R-5.

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WITH

+ **W.P.(C) 12543/2024 & CM APPL. 52186/2024**

SHABAN KHAN

.....Petitioner

Through: Ms. Neha Kapoor and Mr. Kaushal Mehta, Advs.

versus

GOVERNMENT OF NCT OF DELHI & ORS.

.....Respondents

Through: Ms. Manika Tripathy, Standing



Counsel DDA & Mr. Ashutosh
Kaushik, Advocate & Mr. Shubham
Bansal, Patwari DDA.
Ms. Vaishali Gupta, Adv. for R-4.
(M:8383031929)

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AND

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W.P.(C) 6194/2024 & CM APPL. 25754/2024

AKIL AHMAD & ANR.

.....Petitioners

Through: Ms. Neha Kapoor and Mr. Kaushal
Mehta, Advs.

versus

GOVERNMENT OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Sanjay Kumar Pathak, Mr. Sunil
Kumar Jha & Mr. M. S. Akhtar,
Advs. for R-1 & 2. (M:9711684779)
Mr. Abhinav Sharma and Mr. Ujjwal
Jain, Advs. for GNCTD.
Ms. Maldives Sidhu, Adv. for R-5.

CORAM:**JUSTICE PRATHIBA M. SINGH****JUSTICE MADHU JAIN****JUDGMENT****Prathiba M. Singh, J.**

1. This hearing has been done through hybrid mode.
2. These are three connected writ petitions which have been filed by the Petitioners under Articles 226 and 227 of the Constitution of India seeking the following reliefs:

W.P.(C) 6159/2024 and W.P.(C) 6194/2024:

*“a) Issue writ in the nature of certiorari quashing the
land acquisition proceedings initiated by respondent no.*



1 in respect of land bearing khasra no. 315 (3-10), 343 (4-16) & 344/1 (4-09), in Village Pul Pehladpur, New Delhi, arising out of Award no. 63/1982-83, under the provisions of section 24 (2) of the Right to Fair Compensation and Land Acquisition Rehabilitation and Resettlement Act, 2013;

b) Issue writ in the nature of mandamus directing the respondents no. 1 to 4 to demarcate land bearing khasra no. 315 (3-10) in Village Pul Pehladpur, New Delhi. arising out of Award no. 63/1982-83 in favour of the petitioners wrt their 2/5 th share from rest of the land falling in Khasra No. 315

c) Issue writ in the nature of mandamus directing the respondents no. 1 to 6 not to disturb the peaceful possession of petitioners in respect of subject land;

d) Issue writ in the nature of mandamus directing the respondents no. 6 to take action on the complaint of the petitioners dated 30.03.2024 and protect the subject land from encroachment by respondents and land grabbers;

e) Pass any such order as this Hon'ble court deems fit and proper in the interest of justice."

W.P.(C) 12543/2024

"a) Issue writ in the nature of prohibition restraining the respondent no. 1-4 from taking any action in furtherance of order dated 17.05.2024 passed by Hon'ble Supreme Court in SLP bearing Diary No. 28141 of 2021 titled "DDA v. Mohd. Maqbool & Ors." with respect to 1/5th share of petitioner in land falling in Khasra Nos 315 (3-10), 343 (4-16), 344/1 (4- 09), Village Pul Pehladpur, New Delhi having lapsed by virtue of section 24 (2) of the Right to Fair Compensation and Land Acquisition Rehabilitation and Resettlement Act 2013;



b) Issue writ in the nature of prohibition restraining the respondents from dispossessing the petitioner from his 1/5th share in land falling in Khasra Nos 315 (3-10), 343 (4-16), 344/1 (4-09), Village Pul Pehladpur, New Delhi (hereinafter referred to as “subject land”), arising out of Award no. 63/1982-83, having lapsed by virtue of section 24 (2) of the Right to Fair Compensation and Land Acquisition Rehabilitation and Resettlement Act 2013;

c) Grant relief of clarification to the effect that Judgment/ order dated 17.05.2024 passed by Hon’ble Supreme Court in SLP bearing Diary No. 28141 of 2021 titled “DDA v. Mohd. Maqbool & Ors.” shall not have any bearing on the merits of writ petitions, WP C No. 6159/2024 titled “Shaban Khan and Anr. versus GNCTD and Ors.” and WP. C No. 6194/2024 titled “Akil Ahmad and Anr. versus GNCTD and Ors.” pending before this Hon’ble Court;

d) Call for entire record of SLP bearing Diary No. 28141 of 2021 titled “DDA v. Mohd. Maqbool and Ors.” from Respondent no.1-3 and Respondent no.5;

e) Pass any such order as this Hon'ble court deems fit and proper in the interest of justice.”

Factual Background

3. The Petitioners in the present petitions are claiming rights in respect of land bearing *Khasra Nos.*315 (3-10), 343(4-16) and 344/1 (4-09), Village Pul Pehladpur, New Delhi. It is their case that they have rights through late Sh. Bunda, who was their *predecessor in interest*. It is claimed that the name of Sh. Bunda is reflected in the land records, including *Jamabandi* as also *Khasra Girdawri* in respect of the said *Khasra Nos.*315 (3-10), 343(4-16) and 344/1 (4-09), Village Pul Pehladpur, New Delhi.



4. A Notification under Section 4 of the Land Acquisition Act, 1894 (*hereinafter*, 'Act, 1894') was issued on 23rd January, 1965 in respect of *Khasra Nos.*315, 343 and 344/1, for acquisition of the land. This was followed by a notification under Section 6 of the Act, 1894, which was issued on 13th January, 1969.

5. Subsequently, a writ petition being ***C.W.P. No. 3266/1982*** was filed wherein *vide* order dated 14th September, 1982, the following interim relief was granted:

“The petitioners will not be dispossessed of the land in question till the next date. Dasti.”

6. Thereafter, Respondent No.2- Land Acquisition Collector (*hereinafter*, 'LAC') passed ***Award No. 63/1982-83*** dated 31st January, 1983 (*hereinafter*, 'the Award') for acquisition of large tracts of land in Village Pul Pehladpur, New Delhi. *Khasra Nos.*315, 343 and 344/1 were part of the land acquired *vide* the said Award.

7. Pursuant thereto, possession proceedings were initiated in respect of the Award on 4th March,1983 and the following was recorded in the possession proceedings:



POSSESSION PROCEEDINGS
VILLAGE - PUL PEHLAD
AWARD No. : 63/82-83

Today dated 04.03.83, I Raghbir Singh, NT(LA) reached at site along with Shri Vishan Dutt, Kgo(LA) and Zile Singh, Peon(LA) for hand over the possession of land of village Pul Pehlad, Award No 63/82-83, Shri GS Aggarwal, NT from L&B deptt. For take over the possession present at site. Shri Sohan Lal, NT from DDA present at site. Some peoples of land owner meet at site, but they have refused to tell their names & signatures. 1068 Bigha - 12 Biswa land acquired through this Award. The demarcation of the land given to the acquiring authority after the demarcation and revenue record its found that Khasra No's 310/2 min (20-0), 311 min (1-0), 312 min (2-0), 313 min (1-1), 315 min (3-0), 328/1 min (0-2), Total (27 - 17) jhuggis and houses are built up there on, and Khasra No's 169/2(1-1), 170/1(4-13), 171(2-4), 172(4-16), 173/2(4-13), 174(2-12), 175/2(2-14), 176/1(2-2), 192(4-16), 193(4-16), 201/2(4-8), 202(4-16), 203/2(3-11), 204(4-16), 205/2(3-12), 206/1(2-4), 223/2(3-14), 224/2(4-4), 256(4-16), 267/2(), 269 to 271(14-8), 272(1-16), 273 to 276 (16-13), 277/1/1(), 277/2/1(), 278(0-1), 301 to 306(27-18), 310/2 min (20-0), 311-315 min (0-10), 316(3-7), 317(4-16), 318/2(3-12), 319/1-2,(4-16), 320 to 322(8-11), 323/2(1-16), 324/2(4-13), 329/1/2(0-6), 329/1/1(2-4), 350(4-16), 357(4-16), 358(4-16), 360(4-16), 361(4-16), 362(4-16), 363(4-2), 364(5-4), 365(2-0), 366(4-16), 367(4-16), 368(4-16), 369(4-6), 374/2(5-15), 375/2(4-7), 376(4-16), 377(4-16), 378/1-2(4-16), 379 to 383(23-16), 354/1-2(4-16), 385 to 398(53-16). Total 352-09. Stay against possession from High Court Delhi. So therefore above khasra No's having total area (380-06) possession has not been handed over. The remaining area khasra No's 191/1(2-10), 233(4-16), 234/2(4-1), 254/2/1(2-1), 255/1(2-9), 318/1(1-4), 310/2 min (29-11), 311-315 min (271-0), 312 min (70-19), 313 min (122-7), 314(47-9), 328/1 min (1-19), 325/2(2-6), 326(2-0), 327(4-16), 330/2(4-2), 231/2(4-16), 232(4-16), 331/1(2-17), 333(4-16), 334(4-16), 335(4-16), 336(4-16), 337(4-16), 338(1-6), 339(1-14), 340(4-16), 341(2-10), 342(3-2), 343(4-16), 344(4-16), 345(4-16), 346(4-16), 347/1(1-8), 347/2(1-12), 347/3(1-16), 348(4-16), 349(4-16), 351/2(1-4), 352(4-16), 353(4-16), 354(3-10), 355(3-14), 356(4-16), 359(4-16), 351/1(3-12). Total area 688 Bigha- 06 Biswa vacant at site, physical possession taken over

8. A perusal of the above recorded possession proceedings shows the following:



- (i) Insofar as the *Khasra* No.315 min (3-0) is concerned, *jhuggis* and houses are built up thereon;
 - (ii) In respect of *Khasra* No.311-315 min (0-10) it is recorded that there was a stay against possession granted by the High Court;
 - (iii) In respect of remaining land forming part of *Khasra* No.315 and the land falling in *Khasra* Nos. 311-315 min (271-0), 343 (4-16), 344 (4-16), the physical possession has been taken over at site and handed over to the Land and Building Department by the representative of the acquiring authority.
 - (iv) The only land that was left out from the possession was *Khasra* No.315 min (3-0) and 311-315 min (0-10).
9. Thereby, the possession of the land forming part of *Khasra* Nos. 315, 343 and 344, was taken over by the Government.
10. It is agreed that some parts of *Khasra* No.315 were left out from possession. The aforesaid possession proceedings are clear as to the extent of the land with respect of which the possession was taken over.
11. Subsequent to the passing of the Award and possession proceedings, writ petition being *C.W.P. No. 3266/1982* was dismissed for non-prosecution.
12. Insofar as the compensation amount issued pursuant to the possession proceedings are concerned, the details are set out below:



MAP OF DETAILS OF COMPENSATION PAID TO SHAREHOLDERS
VILLAGE - PUL PRAHLAD TEHSIL - MEHRAULI DISTT-DELHI
Award No. 63 / 82-83

1	2	3	4	5	6	7	8	9	10	11	12	13	14
No.Khata Khatauni	Name of Land Owner	Number Khasra	Area	Type of Land	Compensation	No. of Trees etc.	Compensation trees etc.,	Total Compensation 7 + 9	15 %	Interest 6%	Total compensation paid	Remarks	
6 11 13	Gram Sabha	318/2 310/2 311 312 313 314 315 Kitta 7	3-12 69-11 120-0 72-19 123-17 47-9 155-13 593-1	Rasauli Ghair mumkin mountain Mountain 185-13 Latest 10-0	2372200/-	Neem 11 Kuvey. 2	2250.00 8000.00 10250.00	2382450/-	355830/-	2134980/-	4873260/-	As below	
NOTE - 1. The possession of No.khasra 318/2(3-12) is with Purnchand Nagia s/o Govind Ram r/o 204 L, Lane Shahmat, New Delhi. 2. Stay on possession by High Court CW 3266/82 is applicable on no.khasra 310/2(13-0) 311, 315(0-10). 3. Full khasra ...on spot is built up. Compensation pending. Sd/- N.T 4. Against khasra no.318/2, stay of possession from High Court received. CW 1543 /82 5. Khasra no.310/2 Stay of possession from High Court applicable CW 1543 /82 6. Claim No.15 Jumardi and others 7. Claim no.13. Madan Lal Nagia others. 8. Claim no.2.59 to 437 compensation remain pending. Sd/- NF Compensation of area.....possession taken 541 - 4439890.00 ✓ Compensation of area.....possession not taken.51/2 - 433370/- ✓ Sd/- Kgo 7.7.84 Kgo L & A. 7.7.84 As per writ no.354 / 83 against no.khasra 310/2 stay is applicable on 5 bigha. No.khasra 310/2 min (29-11) 311-315 min (771-3) 312 min (70-19) 313 min (122-7) 314 (47-9) total area 541-9 possession taken on 4.3.83. Possession of balance area 51-12stay order and built up not taken. Sd/- NF 139 Sd/- NF (LA) 7.7.84 Certified that this is the correct & true translation into English.													

13. The legal heirs claiming rights through late Sh. Bunda filed three writ petitions seeking declaration that the acquisition proceedings in respect of land falling in *Khasra Nos.* 315, 343, 344 have lapsed by virtue of Section 24(2) of the Right to Fair compensation and Land Acquisition Rehabilitation and Resettlement Act, 2013. The said three writ petitions and the details thereof are relevant and set out below:

S. No.	Petition No.	Title
1	W.P.(C) 7716/2014	MOHD. MAQBOOL & ANR. Versus GOVT. N.C.T OF DELHI & ORS.
2	W.P.(C) 8912/2014	SHAKRUDDIN & ORS. Versus GOVT. N.C.T OF DELHI & ORS.
3	W.P.(C) 573/2015	JAN MOHAMMAD



		<i>Versus</i> GOVT. N.C.T OF DELHI & ORS.
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14. The aforesaid three writ petitions were disposed of by the Co-ordinate Bench of this Court *vide* order dated 11th April, 2017 following the decision of the Supreme Court in ***Pune Municipal Corporation & Anr. v. Harakchand Misirinal Solanki and Ors. (2014) 3 SCC 183***. On the basis of the said judgment, it was held that the land acquisition proceedings in respect of the land admeasuring *Khasra Nos.* 315 (3-10), 343 and 344/1 had lapsed. The order dated 11th April, 2017 is extracted as under:

“ The brief facts are that the suit lands were covered by the Notification under Section 4 of the Act issued on 10.11.1960; declaration under Section 6 was published on 06.01.1969. Notices were apparently issued to the land owners and the suit lands were covered by Award No.63/1982-83. Apparently, the petitioner had approached this Court and challenged the acquisition. The Court had directed maintenance of status quo and required the respondents to not dispossess the petitioners. The petitioners submit in these circumstances that since the possession was not taken nor was compensation paid, the acquisition had elapsed.

It is also submitted that the judgment in Pune Municipal Corporation and Anr. v. Harakchand Misirimal Solanki and Ors. (2014) 3 SCC 183 and the other subsequent judgment of the Supreme Court which have examined the effect of absence of provisions similar to the proviso to Section 11A and Section 6 of the Land Acquisition Act, 2013 is pending consideration before the larger three Judge Bench.

The respondents, i.e., LAC in the counter affidavit



avers that the lands were acquired for the purpose of land development of Delhi and that substantial parts thereof was in fact taken over after the Award on 04.03.1983. It is also stated that only the lands covered in Khasra No.315 (to the extent of 3-10) could not be taken over because of the interim order made by this Court. The respondents also contend that the possession of lands which were taken over was made over to the DDA for development.

As far as compensation is concerned, the position of the GNCTD is that for two Khasras, i.e., Khasra Nos.331 and 341, the payments were made to the petitioner. It is submitted that with respect to Khasra No.315 (to the extent of 3-10 bighas), the amounts were remitted to the Court of the ADJ under Section 30/31. As far as Khasra nos.343 and 344 are concerned, it is stated that the lands belonged to the custodian; consequently, there was no question of depositing compensation.

*It is evident from an overall reading of the materials on record that as to the nature of possession, and payment of compensation, the petitioners are clearly entitled to reliefs in respect of Khasra no.315 (to the extent of 3-10 bighas) as well as Khasra nos.343 & 344. Though, the respondents have stated and averred in the pleadings that Khasra Nos.343 & 344 belong to the custodian, neither Notification under Section 4 nor the declaration under Section 6, nor indeed the Award, disclosed the ownership. **On the other hand, this Court in a previous order in respect of the identical land Khasra no.343 (4-16) to the extent of 1/17th share had directed release in the following terms in Rajan Shanna & Ors. vs. Government of NCT of Delhi & Ors., (W.P.(C) 8416/2014, decided on 07.04.2015):-***

"1. The petitioners seek the benefit of Section



24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as 'the 2013 Act') which came into effect on 01.01.2014. A declaration is sought to the effect that the acquisition proceeding initiated under the Land Acquisition Act, 1894 (hereinafter referred to as 'the 1894 Act') in respect of which Award No. 63/1982-83 dated 31.01.1983 was made, inter alia, in respect of the petitioners' land comprised in Khasra Nos. 337 (4-16), 340 (4-16) and 343 (4-16) measuring 14 bighas and 8 biswas (1/17th Share) in all in village Pul Pahladpur shall be deemed to have lapsed.

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4. As a result, the petitioners are entitled to a declaration that the said acquisition proceedings initiated under the 1894 Act in respect of the subject land are deemed to have lapsed. It is so declared.

5. The writ petition is allowed to the aforesaid extent. There shall be no order as to costs."

The judgment of the Supreme Court in Pune Municipal Corporation and Anr V. Harakchand Misirimal Solanki and Ors. (2014) 3 SCC 183 and the other judgments that have followed it, i.e.,

(1) Union of India and Ors v. Shiv Raj and Ors: (2014) 6 SCC 564;

(2) Sree Balaji Nagar Residential Association v. State of Tamil Nadu and Ors: Civil Appeal No.8700/2013 decided on 10.09.2014;

(3) Surender Singh v. Union of India & Others: WP(C) 2294/2014 decided on 12.09.2014 by this Court; and

(4) Girish Chhabra v. Lt. Governor of Delhi and Ors: WP(C) 2759/2014 decided on 12.09.2014 by this Court.



are clear in that the declaration in the acquisition proceedings so far as they pertain to Khasra no.315 (3 Bigha 10 Biswas) and 343 & 344 are deemed to have elapsed. So far as the question of inability of the State to take over possession on account of pendency of proceedings and stay orders is concerned, the law as it exists is clear and has been enunciated in the judgment cited by the petitioners. In the event of any change, doubtlessly, the respondents would be entitled to the relief in accordance with law. ""

15. In terms of the above order, it can be seen that the Coordinate Bench had followed the decision in ***W.P.(C) 8416/2014*** titled ***Rajan Sharma & Ors. v. Government of NCT of Delhi & Ors.***, wherein *vide* order dated 7th April, 2015, in respect of other lands of Village Pul Pahladpur, the lands had been released, since the acquisition proceedings initiated were deemed to have lapsed.

16. The order dated 11th April, 2017 was challenged by the Government of NCT of Delhi and Delhi Development Authority (*hereinafter*, 'DDA') in ***SLP (C) Diary No.3245/2022*** titled ***Govt. of NCT of Delhi v. Shakruddin & Ors.*** along with ***SLP (C) Diary No.32513/2021*** and ***SLP (C) Diary No. 30218/2021***. *Vide* order dated 29th September, 2022, the Supreme Court directed as under:

"Delay condoned.

Leave granted.

Feeling aggrieved and dissatisfied with the impugned common judgment and order dated 11-04-2017 passed by the High court of Delhi at New Delhi in Writ Petition (Civil) Nos. 8912/2014 and 573/2015, by which the High Court has allowed the said writ petitions preferred



by the respective respondents/original writ petitioners and has declared that with respect to the land in question, the acquisition proceedings have lapsed under section 24 (2) of the Right to Fair compensation and Transparency in land Acquisition, Rehabilitation and Resettlement Act, 2013, the Government of NCT of Delhi and the Delhi Development Authority have preferred the present appeals.

It is not in dispute and even from the impugned common judgement and order passed by the High Court, it is apparent that while disposing of the respective Writ Petitions, the High court has heavily relied upon the decision of this court in the case of Pune Municipal Corporation & Anr. vs. Harakchand Misirimal Solanki & Ors. (2014) 3 SCC 183 and further decisions following the decision in the case of Pune Municipal corporation (supra).

However, it is required to be noted and it is not in dispute that the decision of this Court in the case of Pune Municipal corporation (supra) has been over-ruled by the Constitution Bench decision of this Court in the case of Indore Development Authority vs. Manoharlal and others, (2020) 8 SCC 129.

There are serious disputes with respect to possession taken over as well as the compensation. From the material on record, it appears that the litigation was pending and there was an order of status quo with respect to some portion of the acquired land. All these factual aspects are required to be considered by the High Court on the basis of material on record and/or the material that may be produced on record.

In view of the above, we are of the opinion that the impugned common judgment and order passed by the High Court to be quashed and set aside and the matters



to be remanded to the High court to decide the same afresh in accordance with law and on its own merits and considering the observations made by this Court in the case of Indore Development Authority (supra) and/or any other decision (s) which may be placed before the High court because there is subsequent decision on the order of Status quo.

In view of the above and for the reasons stated hereinabove, the impugned common judgement and order passed by the High Court is hereby quashed and set aside. The matters are remanded to the High Court to decide and dispose of the Writ Petitions afresh in accordance with law and on its own merits and in light of the decision of the Constitution Bench of this court in the case of Indore Development Authority (supra). It will be open for the respective parties to file additional material on record on the possession and/or the compensation and/or even the order of status quo and/or pending litigation, which may be considered by the High Court in accordance with law and on its own merits.

The present appeals are allowed to the aforesaid extent and stand disposed of accordingly. No costs.”

17. In terms of the above order, the Supreme Court observed that the judgement in **Pune Municipal Corporation (supra)** had been set aside by the decision of the Supreme Court in **Indore Development Authority v. Manohar Lal & Ors., (2020) 8 SCC 129**. In addition, it was also held that the order dated 11th April, 2017, passed by this Court, is quashed and set aside. Thereafter, the matter was remanded to this Court for fresh adjudication.

18. Insofar as **SLP(C) Diary No. 28141/2021** titled '**DDA v. Mohd. Maqbool and Ors.**' is concerned, which arose out of the **W.P.(C) 7716/2014** that had challenged the land acquisition under the same award, the same was



tagged with the batch of matters titled *SLP(C) 26687/2019* titled '*Delhi Development Authority v. Tejpal & Ors.*'

19. The Supreme Court rendered the judgement in *DDA v. Tejpal (Supra)* on 17th May, 2024. In the said judgement, *SLP(C) Diary No. 28141/2021* titled '*DDA v. Mohd. Maqbool and Ors.*' was listed as part of **List E2**, at Serial No.109, in respect of which the land acquisition was upheld. The relevant table in the said decision is set out below:

List E: Leave not granted in previous SLP

List E.1: No previous SLP/leave not granted in previous SLP, notice issued on delay, but no notice issued on merits in the present SLP

Sl. Nos.	Case Title
1.	Govt. of NCT of Delhi v. Gurbakshish Singh Batra [D. No. 9201/2022]
2.	Govt. of NCT of Delhi v. Bijit Sehgal [D. No. 3096/2022]

List E.2: No previous SLP/leave not granted in previous SLP, notice on merits issued in the present SLP, and Manoharlal¹⁴ test applicable

Sl. Nos.	Case Title
1.	DDA v. Harish Chander (Dead) [D. No. 1698/2021]
2.	DDA v. Kanwar Singh (Dead) [SLP (C) No. 4073 of 2020]
3.	DDA v. Deep Chand [Diary No. 53/2021]

¹⁴ *Indore Development Authority (LAPSE-5 J.) v. Manoharlal*, (2020) 8 SCC 129, para 366 : (2020) 4 SCC (Civ) 496



4.	Govt. of NCT of Delhi v. Iqbal Ahmed [D. No. 3283/2023]	
5.	DDA v. Balraj [D. No. 118/2021]	
6.	Govt. of NCT of Delhi v. Satya Dev Singh Bidhuri [D. No. 4531/2023]	a
7.	Union of India v. Charan Singh [SLP (C) No. 14207 of 2022]	
8.	Govt. of NCT of Delhi v. Mohan Lal [D. No. 57/2020]	
9.	DDA v. Rafiq Ahmed [SLP (C) No. 14200 of 2022]	
10.	DDA v. Vijay Mohan [D. No. 19172/2019]	
11.	East Delhi Municipal Corpn. v. Gobind Ram Arora [D. No. 45830/2019]	
12.	DDA v. Ram Kishan [D. No. 12518/2022]	b
13.	DDA v. Dunger Singh Tokas [D. No. 12519/2022]	
14.	DDA v. Indraj [D. No. 20620/2022]	
15.	DDA v. Ram Krishna [D. No. 12377/2022]	
16.	Governor of Delhi v. Gobind Ram Arora [D. No. 4265/2023]	
17.	Union of India v. Shiv Kumar [D. No. 1204/2023]	
18.	DDA v. Ajit Kumar @ Ajit Kumar Chaudhary [D. No. 12203/2022]	c
19.	DDA v. Satvir [D. No. 39067/2022]	
20.	DDA v. Anil Kumar Jain (Dead) [D. No. 21380/2019]	
21.	DDA v. Rajinder Kumar Gupta [D. No. 21381/2019]	
22.	DDA v. Saroj Bala [D. No. 21382/2019]	
23.	DDA v. Vipin Chugh [D. No. 21741/2019]	
24.	Govt. of NCT of Delhi v. Satbir Singh Malik [D. No. 21831/2021]	
25.	DDA v. Satya Dev Singh Bidhuri [SLP (C) No. 10948 of 2019]	d
26.	DDA v. Ajit Kumar Chawla [SLP (C) No. 11135 of 2023]	
27.	Govt. of NCT of Delhi v. Padma Mahant [D. No. 21920/2021]	
28.	DDA v. Yudhvir Singh [D. No. 10284/2022]	
29.	DDA v. Batti [SLP (C) No. 22854 of 2019]	
30.	DDA v. Nathi Singh [SLP (C) No. 21275 of 2018]	
31.	Govt. of NCT of Delhi v. Dunger Singh Tokas (Dead) Through LRs. [D. No. 21978/2022]	e
32.	DDA v. B.M. Properties [SLP (C) No. 584 of 2017]	
33.	DDA v. Ravinder Kumar [D. No. 22116/2020]	
34.	Land and Building Deptt. Through Secy. v. Nathi Singh [D. No. 22128/2021]	
35.	DDA v. Sunanda Jain [SLP (C) No. 4298 of 2017]	
36.	Govt. of NCT of Delhi v. Simla Devi [D. No. 22256/2021]	f
37.	DDA v. Pritam Singh (Deceased) Through LRs. [D. No. 1377/2022]	
38.	DDA v. Azhar Ahmed [D. No. 1456/2019]	
39.	DDA v. Kashi Ram [SLP (C) No. 20205 of 2018]	
40.	Govt. of NCT of Delhi v. Mahender Singh [SLP (C) No. 20204 of 2018]	
41.	Govt. of NCT of Delhi Through Secy. Land and Building Deptt. v. Jagbir [D. No. 4029/2020]	g
42.	Govt. of NCT of Delhi Through Secy. Land and Building Deptt. v. Anguri Devi [SLP (C) No. 14851 of 2020]	
43.	Govt. of NCT of Delhi v. Rampal [SLP (C) No. 14777 of 2020]	
44.	DDA v. Niranjani Singh [SLP (C) No. 6519 of 2020]	
45.	DDA v. Sushil Bansal (D) Through LRs. [SLP (C) No. 8769 of 2016]	
46.	DDA v. Dhanwan Singh [SLP (C) No. 6568 of 2020]	
47.	DDA v. Pawan Kumar [SLP (C) No. 5910 of 2016]	h



a	48.	DDA v. Veena Jain [SLP (C) No. 8775 of 2016]
	49.	Govt. of NCT of Delhi v. Param Export and Construction (P) Ltd. [SLP (C) No. 7909 of 2023]
	50.	Govt. of NCT of Delhi v. Jai Kishan Gupta [SLP (C) No. 10946 of 2019]
	51.	DDA v. Roop Chand Vashishth [SLP (C) No. 7948 of 2019]
	52.	Land and Building Deptt. Secy. v. Inspiration Engineer (P) Ltd. [D. No. 8479/2018]
b	53.	DDA v. Pratap Singh [SLP (C) No. 7949 of 2019]
	54.	DDA v. Ashok Kumar [SLP (C) No. 10384 of 2019]
	55.	DDA v. Rita Marwah [SLP (C) No. 9061 of 2019]
	56.	DDA v. Manju Sharma [SLP (C) No. 10169 of 2016]
	57.	DDA v. Ramesh Chander Dabas [SLP (C) No. 10386 of 2019]
c	58.	DDA v. Balwant Singh [SLP (C) No. 10154 of 2019]
	59.	DDA v. Jagdev Singh [SLP (C) No. 11164 of 2019]
	60.	DDA v. Kamla Devi Memorial Educational Welfare and Charitable Society [SLP (C) No. 3060 of 2018]
	61.	DDA v. Anguri Devi [SLP (C) No. 30101 of 2018]
	62.	DDA v. Dinger Singh Tokas (Deceased) [SLP (C) No. 29611 of 2018]
d	63.	DDA v. Rajender Singh [SLP (C) No. 22340 of 2019]
	64.	DDA v. Attar Singh [SLP (C) No. 26698 of 2019]
	65.	DDA v. Mahipal [SLP (C) No. 18 of 2020]
	66.	Land Acquisition Collector v. Sukhbir Singh [SLP (C) No. 10674 of 2020]
	67.	DDA v. Indra Devi [SLP (C) No. 29831 of 2018]
e	68.	Union of India v. Gurcharan Singh [SLP (C) No. 21759 of 2019]
	69.	DDA v. Raj Kumar [D. No. 39904/2022]
	70.	Govt. of NCT of Delhi v. Raj Singh [SLP (C) No. 022434 of 2019]
	71.	Land and Building Deptt. v. Udai Singh [SLP (C) No. 21758 of 2019]
	72.	Land and Building Deptt. v. Lov Ram [SLP (C) No. 5308 of 2020]
f	73.	DDA v. Charan Singh [SLP (C) No. 22033 of 2019]
	74.	Delhi State Industrial and Infrastructural Development Corpn. Ltd. (DSIIDC) Through its Manager v. Hari Singh [SLPs (C) Nos. 003071-72 of 2018]
	75.	DDA v. Ramjas Foundation [SLP (C) No. 020458 of 2018]
	76.	Delhi State Industrial and Infrastructural Development Corpn. Ltd. (DSIIDC) v. Raj Singh [SLPs (C) Nos. 3047-48 of 2018]
	77.	Delhi State Industrial and Infrastructural Development Corpn. Ltd. (DSIIDC) v. Rohtash [SLPs (C) Nos. 003043-44 of 2018]
g	78.	Delhi State Industrial and Infrastructural Development Corpn. Ltd. (DSIIDC) v. Chetak Dabas [SLPs (C) Nos. 003052-53 of 2018]
	79.	Delhi State Industrial and Infrastructural Development Corpn. Ltd. (DSIIDC) v. Kanhaiya Lal [SLPs (C) Nos. 3054-55 of 2018]
	80.	DDA v. Randhir Singh (Dead by LRs.) [SLP (C) No. 32417 of 2018]
	81.	DDA v. Rajinder Kumar [SLP (C) No. 702 of 2020]
	82.	DDA v. Vinay Bhasin [SLP (C) No. 4110 of 2020]
h	83.	Govt. of NCT of Delhi v. SAMO [D. No. 24247/2020]
	84.	Land Acquisition Collector v. Shiv Kumar Through Gurnam Singh Kochhar [D. No. 30121/2022]
	85.	DDA v. Samay Singh [Diary No. 9555/2021]
	86.	DDA v. Lalit Kumar Sharma [D. No. 4276/2021]



87.	Land and Building Deptt. v. Rajkumari Khandelwal [D. No. 24368/2020]	
88.	DDA v. OM Prakash [D. No. 11493/2022]	
89.	Govt. of NCT of Delhi v. Ratan Singh [D. No. 24494/2020]	a
90.	DDA v. Ganesh Seth [D. No. 38278/2022]	
91.	DDA v. Pooja Garg [SLP (C) No. 20798 of 2019]	
92.	DDA v. Prakash [SLP (C) No. 28212 of 2018]	
93.	Land and Building Deptt. v. Arun Dayal [D. No. 24631/2020]	
94.	DDA v. Hukum Singh [SLP (C) No. 029144 of 2018]	
95.	DDA v. Satpal [SLP (C) No. 22847 of 2019]	b
96.	DDA v. Kela Devi [SLP (C) No. 6029 of 2020]	
97.	DDA v. Kamal Kumar Jain [SLP (C) No. 2272 of 2019]	
98.	DDA v. Rajesh Saini [SLP (C) No. 020209 of 2018]	
99.	DDA v. Suresh Kumar [SLP (C) No. 22851 of 2019]	
100.	East Delhi Municipal Corpn. v. Inder Raj Kohli [D. No. 46016/2019]	
101.	Union of India v. Yudhvir Singh [D. No. 28686/2021]	
102.	DDA v. Ram Prasad [SLP (C) No. 22864 of 2019]	c
103.	DDA v. Satbir Singh Malik [SLP (C) No. 20206 of 2018]	
104.	East Delhi Municipal Corpn. v. S. Harroop Singh Suri [D. No. 46004/2019]	
105.	Principal Secy. Land and Building Deptt. Govt. of NCT of Delhi v. Nirmala [SLP (C) No. 16015 of 2021]	
106.	DDA v. Prem Rani @ Prem Saim [D. No. 29803/2021]	d
107.	DDA v. Daya Ram Mittal [SLP (C) No. 020459 of 2018]	
108.	DDA v. Azad Singh [D. No. 27769/2022]	
109.	DDA v. Mohd. Maqbool [D. No. 28141/2021]	
110.	DDA v. Jai Bhagwan [SLP (C) No. 028277 of 2016]	
111.	DDA v. Krishan [SLP (C) No. 27464 of 2019]	
112.	DDA v. Satpal [SLP (C) No. 022115 of 2018]	
113.	Land and Building Deptt. v. Kamal Kant Bansal [D. No. 29098/2021]	e
114.	Land and Building Deptt. v. Phool Singh [D. No. 28960/2020]	
115.	Union of India v. Chet Ram [D. No. 29097/2021]	
116.	Delhi State Industrial and Infrastructural Development Corpn. Ltd. (DSIIDC) v. Baljeet Singh [SLPs (C) Nos. 003061-62 of 2018]	
117.	DDA v. Mahender Singh [D. No. 31839/2021]	
118.	Delhi State Industrial and Infrastructural Development Corpn. Ltd. (DSIIDC) v. Jagmel Singh (Deceased) Through his LRs. [SLPs (C) Nos. 003063-64 of 2018]	f
119.	East Delhi Municipal Corpn. v. Gurbax Singh [D. No. 45820/2019]	
120.	Govt. of NCT of Delhi v. Kuldeep Singh [D. No. 29182/2021]	
121.	DDA v. Amar Iron Store [D. No. 17929/2022]	
122.	DDA v. Karan Singh [SLP (C) No. 22688 of 2018]	g
123.	East Delhi Municipal Corpn. v. Des Raj Arora [D. No. 45825/2019]	
124.	Delhi State Industrial and Infrastructural Development Corpn. Ltd. (DSIIDC) v. Neeraj Kumar [SLPs (C) Nos. 3067-68 of 2018]	
125.	Land and Building Deptt. v. Manohar Lal [SLP (C) No. 13889 of 2022]	
126.	Delhi State Industrial and Infrastructural Development Corpn. Ltd. (DSIIDC) v. Nirmala [SLPs (C) Nos. 3041-42 of 2018]	
127.	Govt. of NCT of Delhi v. Maharaj Singh (Dead) [D. No. 14006/2023]	h
128.	DDA v. Gajraj [SLP (C) No. 12601 of 2019]	



a	129.	DDA v. Harish Chand [SLP (C) No. 28442 of 2018]
	130.	Delhi State Industrial and Infrastructural Development Corpn. Ltd. (DSI IDC) v. Ranvir Singh [SLPs (C) Nos. 003058-59 of 2018]
	131.	Govt. of NCT of Delhi v. Swarup Narain Bhatnagar [D. No. 28110/2021]
	132.	DDA v. Iqbal Ahmed [D. No. 28767/2021]
	133.	Govt. of NCT of Delhi v. Neeraj Kumar [SLP (C) No. 29191 of 2019]
b	134.	East Delhi Municipal Corpn. v. Gurcharan Singh [SLP (C) No. 4923 of 2020]
	135.	DDA v. Rajesh Saxena [SLP (C) No. 12600 of 2019]
	136.	Delhi State Industrial and Infrastructural Development Corpn. Ltd. (DSI IDC) v. Ran Singh [SLP (C) No. 016350 of 2018]
	137.	Delhi State Industrial and Infrastructural Development Corpn. Ltd. (DSI IDC) v. Krishan [SLP (C) No. 016349 of 2018]
	138.	Delhi State Industrial and Infrastructural Development Corpn. Ltd. (DSI IDC) v. Satpal Singh [SLP (C) No. 016348 of 2018]
c	139.	Delhi State Industrial and Infrastructural Development Corpn. Ltd. (DSI IDC) v. Ajit Singh [SLP (C) No. 016351 of 2018]
	140.	Delhi State Industrial and Infrastructural Development Corpn. Ltd. (DSI IDC) v. Harkesh [SLP (C) No. 16352 of 2018]
	141.	Delhi State Industrial and Infrastructural Development Corpn. Ltd. (DSI IDC) v. Sarjo [SLP (C) No. 016353 of 2018]
	142.	Delhi State Industrial and Infrastructural Development Corpn. Ltd. (DSI IDC) v. Sanjay Singh [SLP (C) No. 025394 of 2018]
	143.	Govt. of NCT of Delhi v. Baljeet Singh [SLP (C) No. 21608 of 2022]
d	144.	DDA v. Phool Singh (Dead) [D. No. 29032/2021]
	145.	DDA v. Kartar Singh [SLP (C) No. 1382 of 2019]
	146.	Govt. of NCT of Delhi v. Harman Jaspal [D. No. 30583/2021]
	147.	DDA v. Rajender Singh [CA No. 1012/2017]
	148.	DDA v. Ashok Kumar [CA No. 001013/2017]
e	149.	Delhi State Industrial and Infrastructural Development Corpn. Ltd. (DSI IDC) v. Tripat Kaur [SLP (C) No. 228 of 2019]
	150.	DDA v. Devender Kumar [D. No. 41445/2022]
	151.	DDA v. Azhar Ahmed [SLP (C) No. 32416 of 2018]
	152.	DDA v. Jagbir Singh [SLP (C) No. 31862 of 2018]
	153.	DDA v. Prem Raj [SLP (C) No. 003991 of 2020]
f	154.	Union of India v. Dhruv Bhasin [D. No. 15896/2019]
	155.	DDA v. Nafe Singh [SLP (C) No. 5347 of 2019]
	156.	Union of India Land Acquisition Collector v. Roop Chand Vashishth [SLP (C) No. 16233 of 2018]
	157.	DDA v. Punam Lall (Dead) Through LRs [SLP (C) No. 15346 of 2015]
	158.	DDA v. Jagwant Singh [SLP (C) No. 029159 of 2018]
g	159.	DDA v. Rati Ram [SLP (C) No. 028439 of 2018]
	160.	Govt. of NCT of Delhi v. Harish Chand Lohiya Deceased Through Shri Satish Chand Gupta [D. No. 26807/2021]
	161.	DDA v. Padam Chand Kanodia [D. No. 6926/2020]
	162.	DDA v. Amar Singh [SLP (C) No. 015071 of 2019]
	163.	Govt. of NCT of Delhi v. Rajinder Kumar Gupta [D. No. 17418/2021]
h	164.	Govt. of NCT of Delhi v. Sanjay Singh [D. No. 26601/2021]

20. Thus, in respect of writ petitions being **W.P.(C) 573/2015** titled '**Jan Mohammad v. Govt. of NCT Delhi and Ors.**' and **W.P.(C) 8912/2014** titled



‘*Shakruddin and Ors. v. Govt. of NCT Delhi and Ors.*’ the matter was remanded by the Supreme Court *vide* order dated 29th September, 2022.

21. However, in respect of *W.P.(C) 7716/2014* titled ‘*Mohd. Maqbool and Anr. v. Govt. of NCT Delhi*’ the land acquisition proceeding was upheld and the Supreme Court *vide* order dated 17th May, 2024, in *DDA v. Tejpal (Supra)* passed the direction to the effect that the possession of the land would be taken. The relevant portion of the said order reads as under:

“80. Having condoned the delay and upon grant of leave and after perusing the material on record, we find that the cases which form part of the appended "List E.2" are squarely covered in favour of the appellants in terms of Manoharlal. While it may not be feasible to give detailed analysis of each of these cases, suffice it would be to show the same illustratively. For instance, in SLP (C) Diary No. 19172 of 2019, titled "DDA v. Vijay Mohan", while the possession was admittedly not taken, compensation was paid on 9-8-2005. Accordingly, the test laid down in Manoharlal has been met and the acquisition proceedings cannot be deemed to have lapsed under the 2013 Act.

81. All such civil appeals are accordingly allowed, the impugned judgment of the High Court in each case is set aside, and the acquisition of the respondents' lands under the 1894 Act is consequently upheld. This will, however, not preclude the respondents from recovery of the compensation amount, if not already paid or to the extent it is not paid, along with interest and other statutory benefits under the 1894 Act. Similarly, they shall be at liberty to seek reference under Section 18 of the 1894 Act in accordance with law. The Government of NCT of Delhi and its authorities are directed to take physical possession of the lands falling under this category (i.e. "List E.2"), if not already taken and continue uninterruptedly to complete the public infrastructure projects.”



22. In the interregnum, another fact deserves to be noted. Proceedings in a reference petition under Section 30 and 31 of the Act, 1894 were initiated before the Id. District Judge being **LAC No. 51/2016** titled **Union of India v. Gaon Sabha Pul Pehladpur**. Vide order dated 22nd December, 2018, Id. District Judge came to the conclusion that all the legal heirs of late Sh. Bunda were illegal occupants of the land and late Sh. Bunda was also an illegal occupant. The relevant portion of the order dated 22nd December, 2018 is set out below:

“29. Though, as per Khasra Girdawari for the year 1965-66 Ex.IP4AW1/4, the contesting IPs were in unauthorized/illegal occupation of the acquired land after vesting of the same in Gaon Sabha Mehrauli, these IPs however were not evicted from the said land by Gaon Sabha. Assuming the best in favour of IP No.1 Gaon Sabha i.e. that IP No.4 & 5 were not cultivating the acquired land since part of the same was uncultivable, Khasra Girdawari for the year 1965-66 establishes the possession of IP No.4 & 5 over Khasra No.315 though illegal. However, it is important to again note that despite being illegal occupants, IP No.4 & 5 were not evicted by Gaon Sabha which seem to be the reason for their possession in Khasra No.315 as depicted in Khasra Girdawari.”

30. IP No.21 i.e. Hamdard Dawakhana in its claim submitted that it had purchased the land in question vide different sale deeds. However, no evidence has been led to prove these sale deeds. No other IP has led any evidence to prove his entitlement over any other Khasra numbers which are the subject matter of this reference.

31. As already highlighted, evidence was led by only 3 IPs i.e. IP No.1, legal heirs of IP No.4 and legal heirs of IP No.5. Legal heirs of IP No.4 & 5 led their evidence



*in support of their claim over Khasra No.315 only and did not raise any claim over the other Khasra Numbers in their examination-in-chief. As per the revenue record relied upon on behalf of IP No.4 and IP No.5, in Khasra Girdwari for the year 1965-66, a small part of the land in Khasra No.315 was shown to be cultivable whereas the remaining land was mentioned to be Gair Mumkin. **No document has been filed by legal heirs of IP No.4 or IP No.5 on record to show their ownership over the said acquired land. Witness on behalf of legal heirs of IP No.4 only claimed that they were cultivating a part of Khasra No.315 i.e. 3 bigha 10 biswa which was in their possession whereas witness on behalf of the legal heirs of IP No.5 deposed that they were carrying out mining in 145 bighas of land and, were cultivating the rest. There is no proof that legal heirs of IP No.5 ever carried out mining on Khasra No.315. It is patent that deposition of witness on behalf of IP No.5 was tailored to meet the entries i.e. Ex.IP4AW1/ 4 wherein it has been mentioned that out of 155 bigha of Khasra No.315, 145 bigha was being used for mining.***

*32. IP No.1 Gaon Sabha on the other hand claimed compensation qua all the 6 khasra numbers i.e. 310, 311, 312, 313, 314, 315 & 318. **The evidence led by IP No.1 and also by legal heirs of IP No.4 & 5 i.e. Khatauni and Khasra Girdawari clearly show Gaon Sabha to be the tenure holder while Fateh Mohd and others S/o Bunda as illegal occupants***

33. In the peculiar facts of the case at hand, since only possession of IP No.4 & 5 stands established on a part of Khasra No.315 but which also is illegal as per revenue record, in the understanding of the Court, IP No.4 & 5 are held entitled to a share in the compensation by assuming that since they have never been evicted by IP No.1 Gaon Sabha, they must have been engaged in some economically gainful activity on



the acquired land. Consequently, they are held entitled to receive 20% of the compensation amount for the cultivable part of Khasra No.315 i.e. 10 bigha 5 biswa which is to be shared equally by the legal heirs of IP no.4 and legal heirs of IP No.5. As a corollary, IP No.1 is held entitled to 80% of the compensation awarded by the LAC in respect of cultivable area of Khasra No.315 i.e. 10 Bigha 5 Biswa, entire compensation for the uncultivable area i.e. 145 Bigha 13 Biswa of Khasra No.315 and whole of the compensation in respect of the other Khasra Numbers.”

The above order clearly holds that they were in unauthorised occupation and only due to the fact that they were not evicted, the name of Bunda Singh was reflected in the revenue records.

23. The aforesaid order dated 22nd December, 2018 was challenged by some of the legal heirs of Late Sh. Bunda in **LA. APP. 26/2019** titled ‘**Sh. Babu (since deceased) Thr Lrs v. Union of India and Ors.**’. In the said appeal, vide order dated 27th February, 2019, this Court had granted an interim order only in respect of the compensation. The said order reads as under:

“Learned counsel for the respondent no.1 is present on advance notice.

Initial submissions have been made on behalf of the petitioner.

Notice of the appeal and of the accompanying applications CM.APPL.No.9604/2019 & CM.APPL. No.9606/2019 is accepted on behalf of the respondent no.1 and notice thereof be issued to the respondent nos. 2, 5 & 6 stated to be the only IPs granted relief vide the impugned judgment dated 22.12.2018 by the learned ADJ -02, South in LAC No.51/16 on taking of steps by



the petitioner through all permissible modes, process returnable for 14.05.2019.

Response, if any, of the respondent no.1 be filed before the next date of hearing.

Till the next date hearing, the release of the payment awarded in terms of the impugned judgment dated 22.12.2018 is stayed.”

24. The aforesaid appeal is stated to be pending before the Id. Single Judge of this Court.

Submissions

25. Ms. Neha Kapoor, Id. Counsel appearing for the Petitioners has made the following submissions:

- (i) Ld. Counsel submits that the DDA had a duty to disclose before the Supreme Court in ***DDA v. Tejpal (Supra)*** that the Supreme Court had remanded the matter in connected petitions *i.e.*, ***W.P.(C) 573/2015*** titled '***Jan Mohammad v. Govt. of NCT Delhi and Ors.***' and ***W.P.(C) 8912/2014*** titled '***Shakruddin and Ors. v. Govt. of NCT Delhi and Ors.*** *vide* order 29th September, 2022. Thus, it is submitted that DDA has committed perjury by not disclosing the true facts.
- (ii) She also submits that pursuant to the remand order of the Supreme Court, dated 29th September, 2022, this Court would have to examine each case on its own merits. Further, since possession of some portion of land admeasuring *Khasra Nos.* 315 had not been taken and neither the compensation had been paid, the land acquisition should be held to have been lapsed.
- (iii) Reliance is also placed upon the order passed by the Supreme Court in



Civil Appeal No.8526/2016 titled '*DDA v. Rajan Sharma*', which was tagged with a case titled '*DDA v. Veena Mahajan*' bearing *Diary No.10069/2021*', wherein the Supreme Court, *vide* order dated 11th December, 2024 had passed a direction that within one year from the date of the order, the authorities shall complete acquisition proceedings.

- (iv) According to her, since the order dated 11th April, 2017 had followed the decision in *Rajan Sharma (supra)*, the order dated 11th December, 2024 of the Supreme Court ought to enure to the benefit of the Petitioners in respect of *Khasra* No.343.

26. On the other hand, Ms. Manika Tripathy, Id. Standing Counsel appearing for the DDA and Id. Counsel appearing for LAC submits that in *SLP(C) Diary No. 28141/2021* titled '*DDA v. Mohd. Maqbool and Ors.*', the Award which is under challenge in these petitions, has been upheld fully and the land acquisition has also been upheld. Therefore, no relief is liable to be granted in these petitions.

27. Additionally, it is also submitted that by order dated 22nd December, 2018 passed by the Id. District Judge, legal heirs of late Shri Bunda have been held to be illegal occupants, consequently, the Petitioners would have no locus to challenge the impugned award.

28. Id. Counsel for the Petitioners also submits that the decision in *DDA v. Tejpal (Supra)* would not apply to the Petitioners. It would only apply, if any, in case of the share of Mohd. Maqbool. It is also submitted that the clarification which has been sought in *W.P.(C) 12543/2024* deserves to be granted.

29. Id. Counsel for Respondent No.4 in *W.P.(C) 6194/2024* submits that



an affidavit has been filed by the Deputy Conservator of Forest (South), Department of Forest and Wildlife, stating that certain land forming part of Khasra No.315 has been notified as a ridge reserve forest vide two Notifications dated 24th May, 1994 and 2nd April, 1996.

30. In fact, it is the stand of the Deputy Conservator of Forests (South), Department of Forest and Wildlife that the Petitioners have encroached upon a forest land. Relevant portion of the said affidavit is extracted below:

“8. That it is pertinent to mention here that the total area of Khasra no. 315 is 155 bigha 18 biswa out of which 155 bigha 13 biswa of Village Pul Pehladpur, New Delhi was declared as “Reserve Forest Area” pursuant to Section 4 of the Indian Forest Act, 1927 vide notification no. F 10(12)-1/PA/DCF/93/2012-17(1) dated 24.05.1994. Further that the area 03 bigha 5 biswa of khasra in question was also notified as Ridge Reserve Forest vide notification dated 02.04.1996. The copy of the notification No.F10(12)-1/PA/DCF/93/2012-17(1) dated 24.05.1994 and notification No. F 1(29)- 1/PA/DC/95/dated 02.04.1996 is annexed herewith as Annexure - A (Colly)

9. That pursuant to Sections 5 and 9 of the Indian Forest Act, 1927, no right accrues in favour of any person with regard to any Reserved Forest, unless the said right is claimed before the Forest Settlement Officer, and all other rights are extinguished. That the Petitioner has not established any such rights before the Forest Settlement Officer for the land in question and therefore, cannot claim the same for any area within a reserved forest.

10. That it is submitted that the Petitioners have acted dishonestly, fraudulently and out of avarice from the very beginning. It is submitted that the Petitioners have encroached the khasra in question which is a proposed



forest land and the petitioners are trying to usurp the part of government land which was duly placed in the hands of answering respondent. Copy of the map showing the encroachment is annexed herewith as Annexure-B.”

31. Ld. Counsel for the Petitioners submits that if the Notifications dated 24th May, 1994 and 2nd April, 1996, declaring the land as forest land is relied upon, the DDA did not have any locus to challenge the order passed by this Court dated 11th April, 2017 before the Supreme Court. This submission is refuted by Id. Counsel for the DDA.

32. Further, Ld. Counsel for the Petitioners also submits that Notifications dated 24th May, 1994 and 2nd April, 1996 declaring the land as forest land were never brought to the notice of the Supreme Court.

33. Ld. Counsel for the DDA submits that the DDA was, in fact, the main beneficiary of the acquisition and SDM had transferred the land to the forest department.

Analysis and Findings

34. The Court has heard the Id. Counsels for the parties and perused the records. The impugned Award in the present three petitions is the same as in the case of **DDA v. Mohd. Maqbool and Ors. (supra)**.

35. The Petitioners cannot claim to have separate rights, inasmuch as Mohd. Maqbool and the Petitioners are similarly placed, being legal heirs of Late Sh. Bunda. The manner in which the Petitioners herein seek to distinguish themselves from Mohd. Maqbool would not be tenable.

36. Even if the cases are taken to be one of remand, on facts, the Court has perused the order dated 22nd December, 2018 passed by the District Judge, which has been extracted above. The said order is clear to the effect that late



Sh. Bunda was himself an illegal occupant of the land.

37. The locus of the Petitioners has been defended by Id. Counsel for the Petitioners on the basis of the fact that when order dated 11th April, 2017, was passed, no issue relating to the Petitioners' locus was raised, either by the DDA or the LAC. However, this would not be the correct position, inasmuch as those three writ petitions *i.e.*, **W.P.(C) 7716/2014**, **W.P.(C) 8912/2014**, **W.P.(C) 573/2015** were disposed of on the basis of the decision of the Supreme Court in **Pune Municipal Corporation (supra)** and at that stage, there was no occasion to go into the interest of the Petitioners in the land itself.

38. Thus, the order dated 11th April, 2017, cannot operate as *res judicata* in respect of the persons who do not have interest in the land and are illegal occupants.

39. Additionally, the findings of the District Judge *vide* order dated 22nd December, 2018 are absolutely clear. According to the Petitioners, the said order was filed before the Supreme Court with the counter affidavit, when the order dated 29th September, 2022 was passed – however, the same does not appear to have been brought to the notice of the Supreme Court at the time of remand.

40. Even if it is taken as its best, the order dated 22nd December, 2018 would be required to be considered post the order dated 29th September, 2022 passed by the Supreme Court, where the directions are clear to the effect that individual cases would have to be considered afresh. Taking this position into consideration, the findings of the District Judge that the Petitioners are illegal occupants of the land and the *predecessor in interest* late. Sh. Bunda was also an illegal occupant, goes to the root of the matter.

41. So long as the finding in the pending **LA. APP. 26/2019** is not



disturbed, in the opinion of this Court, the present writ petitions would not be maintainable.

42. Moreover, the possession of land, insofar as *Khasra Nos.*343 and 344 has already been taken, which is also recorded above. The Id. Counsel for the Petitioners claims that her right would be restricted to 3 *bighas* 10 *biswas* of *Khasra* No.315, where the Petitioners are in possession. If the Petitioners are in possession and are persons interested, at best, they may have a right to seek a share in the compensation in proceedings before the LAC.

43. The acquisition of land cannot be held to have lapsed as the same has been upheld by the Supreme Court *vide* the judgement dated 17th May, 2024 in *DDA v. Mohd. Maqbool and Ors. (supra)* and most of the land possession has already been taken over by the Government. Additionally, a substantial amount of compensation also stands deposited. Thus, the prayer for holding that the acquisition has lapsed is not tenable.

44. Accordingly, the Petitioners are relegated to avail of their remedies in respect of compensation in accordance with law.

45. The present petitions are disposed of in these terms. Pending applications, if any, are also disposed of.

PRATHIBA M. SINGH
JUDGE

MADHU JAIN
JUDGE

FEBRUARY 12, 2026/dk/sm