

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.7703 OF 2021
(@ SLP(C) No. 8779/2016)

DELHI DEVELOPMENT AUTHORITY

APPELLANT(S)

VERSUS

GAURAV KUMAR & ORS.

RESPONDENT(S)

WITH
C.A. No. 6179 of 2017

O R D E R

Leave granted in SLP(C) No. 8779/2016.

The present appeals are directed against an order passed by the High Court of Delhi on 07.07.2015 whereby the writ petition filed by the respondent - Gaurav Kumar was allowed declaring the land acquisition proceedings initiated vide notification under Section 4 of the Land Acquisition Act, 1894 on 21.03.2003 were set aside being in contravention of provisions of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (in short, 'the Act').

The High Court found that neither possession has been taken nor compensation deposited, therefore, the acquisition proceedings stand lapsed on account of Section 24(2) of the Act.

The issue has been examined by this Court in 'Indore Development Authority vs. Manohar Lal & Ors. Etc.', reported in (2020) 8 SCC 129 wherein while interpreting Section 24(2) of the

Act, it has been held that both requirements - non-payment of compensation and non-taking of possession are required to be satisfied.

It has come on record that by virtue of an interim order of stay passed by this Court, the possession could not be taken. The respondents do not satisfy the test laid down by this Court in Manohar Lal's case (supra) if the period of stay is excluded.

Consequently, the appeals are allowed and the writ petition is dismissed.

Pending application(s), if any, also stand disposed of.

.....J.
[HEMANT GUPTA]

.....J.
[V. RAMASUBRAMANIAN]

NEW DELHI;
14th DECEMBER, 2021

ITEM NO.4

COURT NO.11

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 8779/2016

(Arising out of impugned final judgment and order dated 07-07-2015 in WPC No. 2488/2015 passed by the High Court of Delhi at New Delhi)

DELHI DEVELOPMENT AUTHORITY

Petitioner(s)

VERSUS

GAURAV KUMAR & ORS.

Respondent(s)

WITH

C.A. No. 6179/2017 (XIV-A)

Date : 14-12-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Petitioner(s) Ms. Rachana Srivastava, AOR

For Respondent(s) Mr. Manish Paliwal, AOR

Mr. Atul Kumar, AOR
Ms. Sweety Singh, Adv.
Ms. Archana Kumari, Adv.
Mr. Rahul Pandey, Adv.
Mr. Avinash Kumar, Adv.
Mr. Rajiv Ranjan, Adv.

For DDA Mr. Ashwani Kumar, AOR
Mr. Anshay Dhatwalia, Adv.
Ms. Kumud Nijhawan, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted in SLP(C) No.8779/2016.

The appeals are allowed in terms of the signed order.

Pending application(s), if any, also stand disposed of.

(SWETA BALODI)
COURT MASTER (SH)

(RENU BALA GAMBHIR)
COURT MASTER (NSH)

(Signed order is placed on the file)