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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of decision: 3rd September, 2026******Uploaded on: 7th September, 2026***# **CNR No. DLHC010916442025**+ **W.P.(C) 17616/2025**

MAHINDER SINGH & ORS.

.....Petitioners

Through: Mr. Anjani Kr. Mishra, Mr. Kailash
Shakya, Mr. Sambhav Shekhar and
Mr. Mohit Kr Maurya, Advocates.
(M) 9807859580

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Ms. Shubhra Parashar, SPC with Mr.
Virender Pratap Singh Charak, Ms.
Nasreen Khatoon, G.P for Union Of
India. (M) 9540293691
Mr. Sanjay Vashishtha, Standing
Counsel with Mr. Siddhartha
Goswami and Mr. Aditya Sachdeva,
Advocate. (M) 918800111333
Mr. Siddharth Panda and Mr Anil
Pandey, Advs. for R2 and R4.
(M) 9891488088

CORAM:**JUSTICE PRATHIBA M. SINGH****JUSTICE VIKAS MAHAJAN****Prathiba M. Singh, J. (Oral)**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioners, *inter alia*, seeking release of the Petitioner's 3/4th share of land in *Khasra* No. 4/26 (50.20 acres)



and *Khasra* no. 10/27 (42.7 acres) situated in the Revenue Estate of Village Sahipur Beriwalla Bagh, P.S. Shalimar Bagh, District-North West Delhi - 110088.

3. *Vide* order dated 20th November, 2025, this Court had observed clearly that the Petitioners had to address the Court justifying their claim that the subject land was acquired through supplementary Award.

4. Thereafter on 2nd February, 2026, the LAC was directed to check up the status of the land of the Petitioners and make submissions.

5. Now the status report has been filed by the LAC which shows that the entire land in question was acquired way back on 13th November, 1959 by way of a notification under Section 4 of the Land Acquisition Act, 1894 (hereinafter “1894 Act”) which was followed by a declaration under Section 6 of the 1894 Act and compensation was also paid. It is also stated that possession of the subject land was taken on 31st July, 1968.

6. Thereafter, a supplementary award was also issued on 19th September, 1986 in respect of *Khasra* No. 4/26/2 measuring 20 Bighas situated in the revenue estate of village Sahipur, Delhi. The owners of the said land had filed a writ petition being **CWP No. 2290/1986** in which initially a stay order was granted, but thereafter the same was set aside and vacated. The **SLP(C) No. 1263/2006** against the said order was also dismissed on 13th July, 2017.

7. As per the status report of the LAC, the compensation is stated to have also been deposited and the Revenue Deposit Register to the tune of Rs. 4,61,429/- has also been placed on record. The name of the Petitioner is also reflected in the said Revenue Deposit Register, which is annexed as Annexure R-1 to the said status report. The relevant portion of the LAC’s affidavit is set out below:



“4. That the land in question, i.e., Khasra Nos. 10//27(22-18) and 4//26 min (5-01), along with other adjoining Khasra numbers, was acquired by the Government vide Notification under Section 4 dated 13.11.1959, followed by Notification under Section 6 dated 12.07.1966 pertaining to Village Sahipur, Delhi, pursuant to which Award No. 2119 was passed by the then Land Acquisition Collector (LAC). The total land acquired under the said Award measured 114 Bighas and 17 Biswas, and as per the revenue records, the recorded owner of the aforesaid Khasra numbers was Sh. Harphool S/o Ramjas. It is pertinent to mention that possession of the subject land had already been taken over by the answering respondent on 31.07.1968. Insofar as compensation is concerned, it is respectfully submitted that objections regarding ownership of Khasra Nos. 10//27 (22-18) and 4//26 min (5-01) were raised by Sh. Laxman and others. Consequently, a reference under Sections 30/31 of the Land Acquisition Act, 1894, along with the awarded compensation amounting to Rs. 94,753.98/-, was referred to the Court of Shri M.R. Sikka, ADJ, Tis Hazari Courts, Delhi vide Refund Voucher No. 28 dated 17.12.1968, to the extent of the aforesaid land. The remaining compensation amount of Rs. 2,16,062.12/- was paid to Sh. Harphool S/o Ramjas in respect of the remaining land measuring 86 Bighas and 18 Biswas out of the total acquired land measuring 114 Bighas and 17 Biswas.

5. That it is further submitted that thereafter, a supplementary Award bearing No. 2119A dated 19.09.1986 was passed by the then LAC, whereby land falling in Khasra No. 4//26/2 (20-00), measuring 20 Bighas and situated in the revenue estate of Village Sahipur, Delhi, was acquired by the Government. As per the Naksha Mutazamin, the recorded owners of the said land were Lakshman Singh, Shashi Ram, and Rajaram,



all sons of Sh. Phokhar, each having a one-third share therein. It is respectfully submitted that possession of the aforesaid land could not be taken due to the admitted fact that operation of the said Award had been stayed in Writ Petition bearing No. CWP No. 2290/1986. The said stay order was vacated on 10.03.2005 upon disposal of the writ petition, whereby the acquisition proceedings were upheld by this Hon'ble Court. Thereafter, the said order dated 10.03.2005 was challenged by the landowners before the Hon'ble Supreme Court by way of SLP(C) No. 1263/2006, wherein the Hon'ble Court, vide order dated 24.04.2009, was pleased to stay the operation of the order dated 10.03.2005. Ultimately, the said SLP came to be dismissed by the Hon'ble Apex Court on 13.07.2017. Accordingly, there was no occasion for the answering respondent to take possession of the said land during the subsistence of the aforesaid proceedings. However, the entire awarded compensation amount of Rs.4,61,429/- including awarded compensation of 4//26/2(20-00) was deposited in Revenue Deposit vide RD No. 544 dated 30.03.1987, as although notices under Section 12(2) of the Land Acquisition Act were duly issued to the persons interested, some of the landowners failed to come forward to receive the compensation amount, thereby necessitating deposit of the same in the Revenue Deposit by the answering respondent. A copy of the Revenue Deposit Register is annexed herewith and marked as ANNEXURE-R/1."

8. The Revenue Deposit Register is extracted as under:

**"Application Registration Register No. 2
Photocopy Branch (Illegible)**

Annexure No.- 2119-A Vill. Sahipur, Delhi. Amnt. Rs. 4,61,429/-P.R.D.
No.
544/30.3.87



S. No.	Sl. No. of Application	Signature of receiver with date	Date	Sl. No. of Application	Signature of receiver with date
1	Lakshman Singh S/o illegible	Rs. 19,080 = 34 P.		-	
2	Shri Ram S/o same as above	Rs. 19,080 = 33P		-	
3	Raj Ram S/o same as above	Rs. 19,080 = 33P		-	
4	Mahindra Singh S/o Risal	Rs. 6,010 = 30P		-	
5	Surendra Singh S/o same as above	Rs. 6,010 = 30P		-	
6	Ram Gopal S/o Ram Mehar	Rs. 8,553 = 25P		-	
7	Rattan Singh S/o same as above	Rs. 8553 = 24P		-	
8	Sardev Singh S/o same as above	Rs. 8,553 = 29P		-	
9	Lakshmi D/o same as above	Rs. 6,414 = 94P		-	
10	Ram Kumar S/o same as above	Rs. 6,414 = 93P		-	



9. In this petition, notice was yet to be issued. It is clear from the above that the twin conditions in terms of **Indore Development Authority v. Manohar Lal & Ors., SLP(C) No.9036/2016** are not satisfied in the present case. The relevant portion of the said judgment is as under:

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

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 Act of 2013, there is no lapse of proceedings. Compensation has to be determined under the provisions of Act of 2013.

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 Act of 2013 under the Act of 1894 as if it has not been repealed.

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 Act of 2013 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.

4. The expression 'paid' in the main part of Section 24(2) of the Act of 2013 does not include a deposit of compensation in court. The consequence of non-deposit is provided in proviso to Section 24(2) in case it has not



been deposited with respect to majority of land holdings then all beneficiaries (landowners) as on the date of notification for land acquisition under Section 4 of the Act of 1894 shall be entitled to compensation in accordance with the provisions of the Act of 2013. In case the obligation under Section 31 of the Land Acquisition Act of 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 Act of 2013 has to be paid to the "landowners" as on the date of notification for land acquisition under Section 4 of the Act of 1894.

5. In case a person has been tendered the compensation as provided under Section 31(1) of the Act of 1894, 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). Land owners 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 Act of 2013.

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

7. The mode of taking possession under the Act of 1894 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 Act of 1894, the land vests in State there is no divesting provided under Section 24(2) of the Act of 2013, as once possession has been taken there is no lapse under Section 24(2).



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 Act of 2013 came into force, in a proceeding for land acquisition pending with concerned authority 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.

9. Section 24(2) of the Act of 2013 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 Act of 2013, 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.”

10. Accordingly, since the compensation has been deposited and it is the case of the Government that the possession has also been taken way back in 1968, no relief is therefore liable to be granted in the present petition.

11. The petition is accordingly dismissed.

**PRATHIBA M. SINGH
JUDGE**

**VIKAS MAHAJAN
JUDGE**

SEPTEMBER 3, 2026/jg/msh