



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

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*Reserved on: 03<sup>rd</sup> December, 2025*

*Pronounced on: 18<sup>th</sup> December, 2025*

*Uploaded on: 18<sup>th</sup> December, 2025*

+ **W.P.(C) 1979/2016**

**PANKAJ GUPTA,  
S/O SH. LAL CHAND GUPTA  
R/O 115-D, KAMLA NAGAR  
DELHI**

**.....PETITIONER**

Through: Mr. Sanjeev Kumar Kakkar,  
Mr. Prateek Kumar & Ms. Aadya  
Ungal, Advocates

versus

**1. LAND ACQUISITION COLLECTOR (NORTH)  
ALI PUR NARELA, DELHI.**

**.....RESPONDENT NO.1**

**2. DELHI DEVELOPMENT AUTHORITY,  
TO BE SERVED THROUGH ITS VICE CHAIRMAN  
VIKAS SADAN INA,  
NEW DELHI.**

**.....RESPONDENT NO.2**

Through: Mr. Rajneesh Sharma, Advocate  
for Respondent No.1  
Ms. Manika Tripathy, Standing  
Counsel with Mr. Ashutosh  
Kaushik, Advocate for Respondent  
No.2



**CORAM:**

**HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE**

**HON'BLE MR. JUSTICE ANISH DAYAL**

**JUDGMENT**

**NITIN WASUDEO SAMBRE, J.**

1. In respect of the land comprising *Khasra* No. 87/14 (3-11) and *Khasra* No.87/17 (4-16), the ownership of which is claimed to be vested in the petitioner, a declaration is sought from this Court that the acquisition proceedings have lapsed, as neither the possession has been taken nor compensation is paid in view of provisions of Sub-section 2 of Section 24 of the *Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act of 2013* (hereinafter referred to as '*the Act of 2013*').

2. The petition is taken up pursuant to the order of remand passed by the Apex Court in Special Leave Petition (C) No.6534 of 2020 titled as *Delhi Development Authority Vs. Pankaj Gupta & Anr.* decided on 28<sup>th</sup> July, 2022, wherein the Apex Court was of the view that the High Court must consider and record findings on the following points:

- a. The submissions of the respondent-Delhi Development Authority (hereinafter referred to as 'DDA') about payment of compensation being released in favour of the Land Acquisition Collector by DDA; and
- b. The ownership of the land vesting in petitioner.



3. As such, this Court is required to deal with the issue which is sought to be canvassed in the present petition.
4. It is the case of the petitioner that by virtue of a sale deed dated 16<sup>th</sup> June, 1988 registered on 27<sup>th</sup> June, 1988, he became owner of the aforesaid land in relation to which notification under Section 4 of the Land Acquisition Act, 1894 came to be issued on 27<sup>th</sup> October, 1999. After Section 6 notification under the said Act was issued on 03<sup>rd</sup> April, 2000, Award No.11/2002-03 came to be passed on 30<sup>th</sup> May, 2002.
5. The aforesaid land came to be acquired for the public purpose *viz.* Rohini Residential Scheme, Phase IV & V, which fact is not in dispute.
6. It is the case of the petitioner that he became owner of the land in question by virtue of the above-referred sale deed dated 16<sup>th</sup> June, 1988. According to him, he suffered an acquisition proceedings *vide* Award dated 30<sup>th</sup> May, 2002. Since the possession has not been taken till date, so also the compensation is not paid, in view of statutory mandate under the provisions of Sub-Section (2) of Section 24 of the *Act of 2013*, the acquisition needs to be declared as lapsed.
7. According to the learned counsel, the acquisition was of 2002. Within five years' period from Award dated 30<sup>th</sup> May, 2002, the possession has not been taken so also the compensation is not paid and as such, the lapsing of acquisition has to be declared under the *Act of 2013*, thereby directing the respondents to acquire the land afresh under the *Act of 2013* if same is required for any public purpose.



8. Learned counsel for the petitioner submitted that the theory of '*deemed possession*' as ordered by the Apex Court in the matter of ***Delhi Development Authority Vs. Monika Shukla & Ors.*** in Civil Appeal No.2534 of 2023 dated 10<sup>th</sup> April, 2023 will be of hardly any assistance to the respondents as the said judgment was subsequent to the order of remand passed by Apex Court on 28<sup>th</sup> July, 2022. According to him, the respondents, in categorical terms, have admitted that they have neither taken possession of the land physically nor paid the compensation as was offered under the Award.

9. According to him, even if the respondents are claiming that they have offered compensation by the act of depositing the same with the Land and Building Department of State Government that by itself cannot lead to drawing an inference that the compensation was in fact offered to the petitioner which he has refused to accept. That being so, it is claimed that the petition is liable to be allowed.

10. As against above, learned counsel for the respondents would urge that the possession could not be taken at the relevant time under the Award dated 30<sup>th</sup> May, 2002, as a temple was situated on the acquired land.

11. It is claimed by the learned counsel for the respondent/DDA that the amount of compensation was in fact deposited by the DDA with Land Acquisition Collector through cheques dated 03<sup>rd</sup> December, 1999, and 24<sup>th</sup> March, 2013, which include the compensation that should have been disbursed in favour of the petitioner.



12. It is further brought to our notice from the order dated 18<sup>th</sup> October, 2016 passed by the Apex Court in IA Nos.42-45, 46-49, 50-53, 54-57/2015, 58-61, 62-65, 66-69, 70-73, 74-77, 78-81 and 82-85/2016 in Petition(s) for Special Leave to Appeal (C) No(s).16385-16388/2012 titled as ***Rahul Gupta Vs. Delhi Development Authority & Ors.*** that there is an order of the Apex Court of ‘*deemed possession*’ being vested in the DDA in respect of the land of which acquisition proceedings are concluded for the purpose of Rohini Residential Scheme. He has drawn support from the observations made therein, which reads thus:

*“In view of the order dated 10.3.2015, passed by this Court in SLP(C) Nos.16385-16388 of 2012, and a subsequent order dated 28.1.2016, passed in the same special leave petitions, the interim order passed by the High Court of Delhi on 13.1.2015 in W.P.(C) No.323/2015, (Annexure A-4 in the instant interlocutory applications), is liable to be vacated, and is accordingly vacated.*

*We grant liberty to the Delhi Development Authority to produce a copy of this order in all matters, pertaining to land acquisition relating to the Rohini Residential Scheme, pending before the High Court, for vacation of similar interim directions.*

*It is made clear that in case the applicant has re-entered possession or otherwise, he shall vacate the said land and hand over its possession forthwith to the Delhi Development Authority, failing which it shall be assumed to be in*



*possession of the Delhi Development Authority, after the expiry of ten days from the passing of the instant order.”*

13. Our attention is also invited to the order in ***Monika Shukla*** (supra) wherein the above-referred order dated 18<sup>th</sup> October, 2016 was interpreted to infer that there is deemed possession vested in the acquiring body, *i.e.*, DDA.

14. As such, the respondents have claimed that the petition is liable to be dismissed, but for the fact that petitioner can claim the compensation with accrued interest.

15. We have considered the aforesaid submissions.

16. We are required to be conscious about the order of remand dated 28<sup>th</sup> July, 2022 passed by the Apex Court. Accordingly, we need to record the findings primarily on two major issues, *viz. about the ownership of the land and as regards the offer of the compensation.*

17. The petitioner, through an affidavit, has placed on record the copy of the registered sale deed through which he is claiming that the title stood vested in him. The said affidavit demonstrates the purchase of the acquired land by him *vide* sale deed dated 16<sup>th</sup> June, 1988, which was registered on 27<sup>th</sup> June, 1988. The Section 4 notification, in the case in hand, came to be issued on 27<sup>th</sup> October, 1999 and the award was passed on 30<sup>th</sup> May, 2002. The petitioner has categorically claimed that in view of the registered sale deed dated 16<sup>th</sup> June, 1988, the title of the acquired land



stood vested in him, which is prior to the date of issuance of Section 4 notification and the passing of the award.

18. The aforesaid fact was brought on record by the petitioner through an affidavit, along with supporting documents dated 19<sup>th</sup> September, 2022. The respondents, though have filed an affidavit subsequent to the aforesaid affidavit of the petitioner, have chosen not to question the petitioner's title in the said affidavit by disputing the sale deed or otherwise.

19. It is a settled law that, under Section 54 of the Transfer of Property Act, 1882, title in an immovable property can be conveyed only by a duly executed and registered sale deed. A registered sale deed containing recitals of transfer of rights and title in exchange of a valid sale consideration gives a presumption that the sale deed is valid and the title vests with the transferee, unless it is disputed.

20. Since the petitioner has established his title by the aforesaid sale deed, which is not disputed by either of the respondents, we have no hesitation in holding that the petitioner is the owner of the acquired land and it cannot be inferred that the title is not vested in him.

21. This takes us to the next submission viz. *the deposit of compensation*. It has come in the affidavit of respondent-Land Acquisition Collector that the land in question was acquired for Rohini Residential Scheme. The said fact is also not disputed by the petitioner. The respondent/DDA in its affidavit categorically claimed that the compensation in relation to the acquisition of land from five villages of



Rohini Residential Scheme, Phase-IV & V, which includes the village Khera Kalan, Delhi, i.e., where the land of the petitioner is situated, was deposited with Land and Building Department of State Government, *vide* cheque No.282364 dated 03<sup>rd</sup> December, 1999 amounting to Rs. 50 crores and cheque No.86821 dated 24<sup>th</sup> March, 2003 amounting to Rs.130,80,17,600/-. Another amount of Rs.100 crores through cheque No.033657 dated 03<sup>rd</sup> December, 1999 was also alleged to have been deposited with the Land Acquisition Collector.

22. If we peruse the affidavit of Land Acquisition Collector as against the aforesaid claim of DDA in absence of any material from the side of respondents, we are unable to convince ourselves that for any time after the amount of compensation was deposited, same was offered or tendered by the Land Acquisition Collector or the acquiring body, i.e., DDA or for that purpose by Land and Building Department to the petitioner.

23. As such, even if it is accepted based on the submissions of the respondents that the amount of compensation in relation to entire land was deposited including that of the land of the petitioner's with the Land Acquisition Collector or that of Land and Building Department, there is not even an *iota* of evidence to infer that such compensation was offered or tendered to the petitioner to infer that there is compliance as regards the payment of compensation as mandated under Section 31(1) of the Land Acquisition Act, 1894. As such, it has to be held that in past, the compensation was neither tendered nor offered to the petitioner by the respondents.





24. As regards the contents of the petition about lapsing of the acquisition is concerned, we have already considered the observations of the Apex Court in the matter of **Rahul Gupta** (supra) and **Monika Shukla** (supra). All these orders of the Apex Court, in clear terms, speak of 'deemed possession' of the land which were acquired for Rohini Residential Scheme. It is an undisputed fact on record that the land of the petitioner was acquired for 'Rohini Residential Scheme', particularly in relation to the Phase IV & V. The possession is deemed to have been vested in the DDA in relation to the said scheme appears to be the authoritative mandate of the Apex Court in the above orders. As such, the burden shifts on the petitioner to demonstrate as to how the mandate of the Apex Court cannot be applied to the case of the petitioner.

25. Once there is a deemed vesting of the possession in favour of the acquiring body viz. DDA for which compensation is allegedly already deposited by the DDA to the Land Acquisition Collector or Land and Building Department way back in 2003, we are unable to satisfy ourselves as regards the twin conditions of the Section, viz. non-payment of compensation and that of the possession being not taken from the petitioner.

26. Rather, the orders of the Apex Court in the matter of **Rahul Gupta** (supra) and **Monika Shukla** (supra), in clear terms, speak of the deemed vesting of possession in the acquiring body which includes land of the petitioner.



27. That being so, we are unable to accept the contention of the petitioner that the possession of the land continued to vest with the petitioner inspite of the orders of the Apex Court in the matter of the **Monika Shukla** (supra) and **Rahul Gupta** (supra).

28. As such, we hold that the possession of the land is deemed to have been vested in the DDA in terms of the orders in case of **Rahul Gupta** (supra) and **Monika Shukla** (supra).

29. That being so, the claim put forth by the petitioner that he is entitled to a declaration of lapsing, having satisfied the twin conditions as required under the judgment of the Apex Court in **Indore Development Authority Vs. Manohar Lal**: (2020) 8 SCC 129, in the statutory background of Section 24(2) of the *Act of 2013*, cannot be inferred.

30. However, we declare that the petitioner shall be entitled to compensation under the Award dated 30<sup>th</sup> May, 2002, along with accrued interest thereon up to date, as per the provisions of the Land Acquisition Act, 1894.

31. We further direct that the compensation be paid to the petitioner within a period of eight weeks from the date of this judgment.

32. Let the compliance report to that effect be placed on record within a period of two weeks thereafter.

33. The petition, as such, stands partly allowed in the above terms.



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34. Pending applications, if any, stand disposed of.
35. Judgment be uploaded on the website of this Court.

**NITIN WASUDEO SAMBRE  
(JUDGE)**

**ANISH DAYAL  
(JUDGE)**

**DECEMBER 18, 2025/ab/sk**