



2026:DHC:742-DB



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

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Reserved on: 16th December, 2025

Pronounced on: 30th January, 2026

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+ **W.P.(C) 1442/2015**

1. **SHRI RAMESHWAR SINGH TANWAR**

.....PETITIONER NO.1

2. **SHRI KRISHAN TANWAR**

.....PETITIONER NO.2

3. **BAL KRISHAN TANWAR**

.....PETITIONER NO.3

ALL S/o LATE SHRI MOHAN LAL
ALL R/o WZ-377, VILLAGE BASAI DARAPUR
NEW DELHI – 110015

Through: Mr. Gaurav Sarin, Senior Advocate
with Mr. S.K. Rout, Mr. Harish
Kumar, Mr. Aman Mehrotra, Mr.
Rahul Kumar, Ms. Parmita Nath
and Ms. P. Pradhan, Advocates

versus

1. **UNION OF INDIA**

THROUGH LAND ACQUISITION COLLECTOR
DISTRICT WEST, MIDDLE SCHOOL BUILDING
RAM PURA, NEW DELHI

.....RESPONDENT NO.1

2. **DELHI DEVELOPMENT AUTHORITY**

THROUGH ITS VICE CHAIRMAN
I.N.A., NEW DELHI

.....RESPONDENT NO.2



3. **LT GOVERNOR OF DELHI**
RAJNIWAS
NEW DELHI

.....RESPONDENT NO.3

Through: Mr. Sanjay Kumar Pathak,
Standing Counsel with Mrs. K.K.
Kiran Pathak, Mr. Sunil Kumar
Jha, Mohd. Sueb Akhtar and Mr.
Divakar Sueb Akhtar, Advocates
for respondents no. 1 and 3.
Ms. Manika Tripathy, Standing
Counsel with Mr. Ashutosh
Kaushik (Panel Counsel), Mr.
Rahul (Law Officer for DDA), Mr.
Gautam Yadav, Mr. Aakash
Mohar, Advocates for respondent
no. 2/DDA

CORAM:
HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE
HON'BLE MR. JUSTICE ANISH DAYAL

JUDGMENT

NITIN WASUDEO SAMBRE, J.

1. Heard finally by consent of parties through their counsel.
2. The prayer in the petition is for issuance of order or direction thereby declaring the acquisition proceedings initiated in respect of land of the petitioners bearing *Khasra* No. 2341 admeasuring 4 *bighas* 14 *biswas* in village *Basai Dara Pur*, Delhi having lapsed in view of Sub-Section (2) of Section 24 of Right to Fair Compensation and Transparency



in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter shall be referred to as '**Act of 2013**' for the sake of brevity). The petitioners have further sought an injunction restraining the respondents from interfering with the peaceful possession and enjoyment of property of the petitioners referred above.

3. The facts which are necessary for deciding the present petition are as under:-

- a. *Khasra* No. 2341 to the extent of 4 *bighas* 14 *biswas* in the record of rights of village *Basai Dara Pur*, Tehsil and District Delhi in *Khewat* No. 314, *Khatauni* No. 658 is shown to be in the ownership and possession of one Shri Mohan Lal s/o Shri Bhagwan. The said ownership was reflected way back in the year 1959. Shri Mohan Lal is the deceased father of the petitioners. The land referred (hereinafter shall be referred to as '**the acquired land**').
- b. Under Section 4 of the Land Acquisition Act, 1894 (hereinafter shall be referred to as '**Act of 1894**' for sake of brevity), a notification came to be issued on 13th November, 1959, whereas under Section 6 of the said Act, the notification came to be issued on 23rd November, 1963. The object and public purpose of the acquisition was shown to be requirement for the purpose of land development of Delhi and the beneficiary was said to be Delhi Development Authority ('**DDA**').
- c. An Award being Award No. 1717 came to be delivered on 29th May, 1964 under the Act of 1894. Since the compensation offered by the



Land Acquisition Officer at the rate of Rs.2.50/- per square yard, *i.e.* Rs.2500/- per *bigha* was very low, recourse was taken by late Shri Mohan Lal to the remedy for grant of enhanced compensation under Section 18 of the Act of 1894 on 20th August, 1964.

- d. Based on the Award, the Land Acquisition Collector (**'LAC'**) submitted Form 'A' on 16th February, 1965 along with Cheque bearing No. OC/16/385710 dated 16th February, 1965 for an amount of Rs.13,512.50/- being an amount forwarded to Ld. ADJ Court under Section 31(2) of the Act of 1894.
- e. The reference submitted by the deceased father of the petitioners Shri Mohan Lal under Section 18 of the Act of 1894 was forwarded by the LAC on 10th March, 1965 to the Civil Court.
- f. It appears that the amount of compensation deposited by the acquiring body before the LAC was also claimed by one M/s Bharat Builders & Colonisers (hereinafter shall be referred to as the **'Objector'**) as a sequel of which, the reference under Section 30/31 of the Act of 1894 was referred by LAC to the competent Civil Court on or about 30th April, 1965.
- g. It appears that a title dispute in relation to the land acquired between the late father of the petitioners – Shri Mohan Lal and Objector was a subject matter pending for consideration before the High Court and at the behest of late father of the petitioners – Shri Mohan Lal in LAC No. 222 of 1965, the proceedings for disbursement appears to be stayed *vide* order dated 6th May, 1965.



- h. A Civil Suit bearing No. 743 of 1975 came to be initiated by the Objector seeking decree for damages against deceased Shri Mohan Lal and the said suit was dismissed in default on 6th August, 2001. Since the proceedings in LAC No. 222 of 1965 were stayed as the title itself was under cloud, a revival application was moved by the owner Shri Mohan Lal as the same was stayed at his behest.
- i. After the death of Shri Mohan Lal on 23rd March, 2004, in LAC No. 222 of 1965, the petitioners sought their impleadment as legal heirs under Order XXII of Rule 3 of the Code of Civil Procedure (**‘CPC’**). The Court of Learned District Judge not only revived the pending proceedings, but also observed that the petitioners will not be entitled for interest on enhanced compensation from 6th May, 1965 till the date of filing of the revival application, *i.e.*, 9th September, 2002 as the very same proceedings remain stayed at the behest of deceased father of the petitioners in view of pendency of title dispute.
- j. The Reference Court while dealing with the claim for enhancement of compensation under Section 18 of the Act of 1894 refused to enhance the compensation *vide* order dated 27th March, 2009. However, the compensation was not released though was deposited in Court *vide* above referred cheque dated 16th February, 1965 in view of existence of dispute for apportionment and pendency of claim under Section 30/31 of the Act of 1894.



- k. Against the denial of enhanced compensation by the Reference Court, the petitioners preferred an appeal on 24th September, 2009 before the Hon'ble High Court. The appeal preferred by the petitioners against refusal of the Reference Court to grant enhanced compensation came to be allowed by this Court *vide* Judgment and order dated 28th March, 2011 thereby enhancing the compensation from Rs.2.50/- per square yard to Rs.15.84/- per square yard.
- l. The petitioners claimed that they have filed an execution of the said decree *vide* Execution Petition No. 9 of 2013 for release of compensation including enhanced compensation which is informed to be pending in the execution proceedings bearing Ex. No. 09/13. The Executing Court made an observation that the payment of Rs.13,512.50/- was sent to ADJ Court on 16th February, 1965.
- m. It appears that on 24th January, 2017 when the judgment was delivered by this Court in the matter of granting enhanced compensation, the petitioners withdrew the execution proceedings through an application on the ground that the petitioners accepted that the possession of the land was not taken.
4. In the aforesaid background, it is the case of the petitioners that as neither the possession is taken, nor the compensation is paid as per the provisions of Sub-Section (2) of Section 24 of the Act of 2013, the acquisition stood lapsed and the petitioners are entitled for a declaration to that effect. They have also sought an injunction.



5. So as to substantiate the aforesaid prayer, learned counsel for the petitioners has invited attention of this Court to the judgment of Apex Court in the matter of **Indore Development Authority v. Manohar Lal**: [(2020) 8 SCC 129], particularly, paragraph 365 onwards. According to him, since twin conditions viz. non-payment of compensation so also the possession being still with the petitioners is established from the aforesaid factual matrix, this Court is duty-bound to grant the relief of declaration.

6. The learned counsel for the petitioners would urge that even if cheque was deposited as is claimed by the respondent in the Reference Court, that by itself would not amount to offering the compensation to the petitioners as in the information collected under the *Right to Information Act*, the exact date of deposit of compensation and the Court in which the said compensation was deposited is not clear or known. He would claim that it was the duty of the Executing Court to offer the said compensation to the petitioners.

7. The learned counsel for the petitioners would also urge that even if there was a dispute as regards the entitlement of compensation at the behest of Objector, still it was a duty of the respondent to offer the compensation to the recorded owner which the respondent has failed to do. As such, he would claim that the petitioners are entitled for not only the declaration of land being free of acquisition and acquisition has lapsed, but also, an injunction restraining the respondent from interfering with the peaceful possession.



8. As against above, the learned counsel appearing for the respondents would oppose the prayer claiming that not only the petition is hopelessly time barred, but also it is urged that the compensation was duly deposited in the Court with whom the proceedings were taken up under Section 18 of the Act of 1894 for grant of enhanced compensation.

9. According to *Mr. Pathak*, learned Standing Counsel appearing for respondents no. 1 and 3, the very initiation of proceedings under Section 18 and another round of litigation under Section 30/31 for apportionment sufficiently establishes that it was within the knowledge of the petitioners or their predecessor that the compensation was in fact not only deposited, but also offered. *Mr. Pathak* would urge that the proceedings were kept in abeyance at the behest of Shri Mohan Lal in view of the title dispute being in progress in between Shri Mohan Lal and the Objector referred supra. According to *Mr. Pathak*, a careful perusal of the judgment in the matter of ***Indore Development Authority v. Manohar Lal*** (*supra*) would reflect that even if the possession is not taken and the compensation is deposited, the theory of lapsing cannot be considered and ordered in favour of the petitioners.

10. In addition to above, *Mr. Pathak* has drawn support from the judgment of Apex Court in the matter of ***Mahavir and Others v. Union of India and Another*** [2018 (3) SCC 588], particularly to paragraphs 21 and 22 so as to claim that the petition at the behest of petitioners at this stage cannot be said to be maintainable. As such, a dismissal is sought. Adopting the very same argument, the counsel appearing for the other respondent,



i.e. the respondent no. 2 has urged that the petition is liable to be dismissed as the possession is with the respondent no. 2.

11. We have considered the rival submissions.

12. The facts of which this Court must take note of is the issuance of Notifications under Sections 4 and 6 on 13th November, 1959 and 23rd November, 1963, respectively. The passing of Award in favour of late Shri Mohan Lal on 29th May, 1964 is also not in dispute. Shri Mohan Lal was aware about the acquisition proceedings being taken out and the said fact is also inferred from the record as Shri Mohan Lal has claimed compensation under Sections 9 and 10 of the Act of 1894 on 10th February, 1964 at the rate of Rs.25/- per square yard.

13. Apart from above, initiation of proceedings under Section 18 of Act of 1894 by Shri Mohan Lal for grant of enhanced compensation and same being forwarded to the Court of the ADJ, Delhi is also not disputed.

14. About the judicial proceedings *inter se* between Shri Mohan Lal and the Objector, wherein the Objector, *i.e.*, M/s Bharat Builders and Colonisers has sought the apportionment of compensation in their favour and the said dispute being tried at the Court of ADJ is also not a fact in dispute.

15. The stay to the apportionment proceedings at the behest of Shri Mohan Lal predecessor of the petitioners is also admitted from the record.



16. It is also not in dispute that the learned District Judge revived the reference which was kept in abeyance in LAC No. 101/8/1965 (old case No. 222/1965) and *vide* order dated 27th March, 2009, dismissed the same without granting any enhancement.

17. Land Acquisition Appeal No. 617 of 2009 was preferred by the petitioners before this Court against the order of dismissal of reference preferred under Section 18 of the Act of 1894, which came to be allowed on 28th March, 2011, wherein enhanced compensation was ordered by this Court. For the enhanced compensation, the petitioners filed the execution proceedings.

18. After the enactment and coming into force of the Act of 2013, the petitioners came to know about their right under Section 24 seeking lapsing and have started applying for information under Right to Information Act. The petitioners first time applied under RTI on 6th March, 2014 in the matter of vesting of possession of the aforesaid land. Based on which, the petitioners have initiated present petition.

19. The learned counsel for the petitioners from the above referred submission has sought to impress upon the Court that the possession still remains with the petitioners as there is no record to infer that the possession was taken either by the LAC or by the DDA.

20. There is no *iota* of evidence to infer that the possession stood taken by the LAC and was transferred to the respondent no. 2/DDA; there is no material to that effect to infer about the possession being handed over to



DDA by the LAC after taking over same from the petitioners. As such, there is reason to believe that the possession still remains with the petitioners.

21. However, that is not the only condition which the petitioners are required to satisfy to have the benefit under Section 24 of the Act of 2013.

22. We are required to be sensitive to the observations made by the Apex Court in the matter of **Indore Development Authority v. Manohar Lal** (*supra*). For that purpose, we are reproducing the conclusion recorded by the Apex Court in paragraphs 365 to 366(9) of the said judgment which read thus:

“365. Resultantly, the decision rendered in Pune Municipal Corpn. [Pune Municipal Corpn. v. Harakchand Misirimal Solanki, (2014) 3 SCC 183 : (2014) 2 SCC (Civ) 274] is hereby overruled and all other decisions in which Pune Municipal Corpn. [Pune Municipal Corpn. v. Harakchand Misirimal Solanki, (2014) 3 SCC 183 : (2014) 2 SCC (Civ) 274] has been followed, are also overruled. The decision in Sree Balaji Nagar Residential Assn. [Sree Balaji Nagar Residential Assn. v. State of T.N., (2015) 3 SCC 353 : (2015) 2 SCC (Civ) 298] cannot be said to be laying down good law, is overruled and other decisions following the same are also overruled. In Indore Development Authority v. Shailendra [Indore Development Authority v. Shailendra, (2018) 3 SCC 412 : (2018) 2 SCC (Civ) 426] , the aspect with respect to the proviso to Section 24(2) and whether “or” has to be read as “nor” or as “and” was not placed for



consideration. Therefore, that decision too cannot prevail, in the light of the discussion in the present judgment.

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

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

366.2. 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 2013 Act under the 1894 Act as if it has not been repealed.

366.3. 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 2013 Act 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.

366.4. The expression “paid” in the main part of Section 24(2) of the 2013 Act does not include a deposit of compensation in court. The



consequence of non-deposit is provided in the proviso to Section 24(2) in case it has not been deposited with respect to majority of landholdings then all beneficiaries (landowners) as on the date of notification for land acquisition under Section 4 of the 1894 Act shall be entitled to compensation in accordance with the provisions of the 2013 Act. In case the obligation under Section 31 of the Land Acquisition Act, 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 2013 Act has to be paid to the “landowners” as on the date of notification for land acquisition under Section 4 of the 1894 Act.

366.5. In case a person has been tendered the compensation as provided under Section 31(1) of the 1894 Act, 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). The landowners 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 2013 Act.

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



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

366.8. *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 2013 Act came into force, in a proceeding for land acquisition pending with the authority concerned 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.*

366.9. *Section 24(2) of the 2013 Act 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 2013 Act 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.”*

23. The observations in paragraphs 366(3), 366(4) and 366(5), in our opinion, are worth referring to, in the facts and circumstances of this case. In the wake of aforesaid observations that the twin conditions are required



to be satisfied viz. the possession being not taken and the compensation is offered or paid to the petitioners. We have already recorded that the possession appears to have been not taken by the respondents, however, we have to see whether the compensation was offered to the petitioners or not.

24. It has come on record through the affidavit of the LAC that not only the compensation was deposited in the Court of the Learned District Judge, but also, the petitioners have preferred a reference under Section 18 and another proceeding under Section 30/31 for apportionment was also preferred. The aforesaid initiation of the proceedings coupled with the fact that the amount of compensation *vide* cheque no. OC/16/385710 dated 16th February, 1965 was forwarded to the Court of ADJ under Section 31(2) of the Act of 1894 sufficiently establishes that not only the compensation was deposited by the acquiring body with the LAC, but the LAC in compliance with the Award dated 29th May, 1964 deposited the same in the Civil Court where the reference was preferred so also the proceedings under Section 30/31 of the Act of 1894 were initiated.

25. Once the proceedings under Section 30/31 culminated or proceedings under Section 18 were rejected, it was the duty of the petitioners to apply before the same Court for withdrawal of the amount. The Apex Court in the judgment of **Indore Development Authority v. Manohar Lal** (*supra*) has held that expression 'paid' appearing in Sub-Section (2) of Section 24 of Act of 2013 does not include a deposit of compensation in the Court and in case of non-deposit, proviso to Sub-



Section (2) of Section 24 contemplates the entitlement of the beneficiary as on the date of Section 4 notification under the Act of 2013. It further contemplates that the interest under Section 34 can be granted in case if the obligation under Section 31 of the Act of 1894 has not been fulfilled, *i.e.*, in case if there is no deposit of compensation made in respect of majority of land holding for a period of five years or more, the compensation under Act of 2013 is to be paid.

26. In the case in hand, the compensation appears to have been tendered to the petitioners by deposit of the same in the Court as there appears to be not only a civil dispute about the title, but also the claim for apportionment was pending. In such an eventuality, it cannot be inferred that there was no deposit of the compensation and same being not offered to the petitioners. As such, the petitioners have failed to satisfy the very condition of the compensation amount being not offered to them. Rather the factual matrix and the pleadings reflect that the fact about the deposit of compensation was within the knowledge of the petitioners and it was open for them to withdraw the amount of compensation.

27. That being so, we are duty-bound in law to observe that the compensation was duly deposited by the acquiring body through LAC in the Reference Court and as such, it was a fact within the knowledge of the petitioners to withdraw the said compensation by their predecessor late Shri Mohan Lal at whose behest the very proceedings were kept in abeyance because of pendency of dispute.



28. Apart from above, there is one more reason for the dismissal of the present petition. In the case in hand, we have already noted that the Award was passed in the matter on 29th May, 1964 and the amount of compensation was deposited on 16th February, 1965 in the Reference Court. Subsequent thereto, the landlord remained idle on the matter of releasing the land from the acquisition, rather his conduct of seeking enhanced compensation and contesting the proceedings for apportionment pursuant to Section 30/31 of the Act of 1894 sufficiently establishes that till the Act of 2013 came into force, there was no intention to get the land released from the clutches of acquisition. The petitioners only after the coming into effect of Act of 2013 have taken recourse to the present proceedings of seeking declaration of lapsing of the acquisition. In the matter of ***Mahavir and Others v. Union of India and Another*** (*supra*), particularly, paragraphs 21 and 22, the Apex Court in the said judgment has held that such claims like the one which are stale in nature, which are styled as dead claims or stale claims, may not be entertained. The Apex Court has further held that once the amount is deposited and same was tendered and there is a failure of the landlord to collect the said amount, that by itself, cannot be formed a basis for taking recourse to the remedy under Sub-Section (2) of Section 24 of the Act of 2013. The said observations read thus:

“21. The Court is duty-bound to prevent the abuse of the process of law in the cases which have been concluded several decades before, in our considered opinion, the provisions of Section 24(2) of the 2013 Act



cannot be invoked in such cases of dead claims or stale claims. There are several numbers of cases coming to this Court in which matters had been contested up to this Court questioning the acquisition and the petitions have been dismissed by this Court, and acquisition has attained finality, possession was taken, the award passed. Notice had been issued under Section 12(2) of the Act tendering the awarded amount but it has not been collected by the claimants/landowners deliberately or they had refused to collect it and are not ready and willing to accept it and, thereafter, it has been deposited in the name and account of the owners in the treasury which is also deposited as per the State Government's instructions issued time to time relating to how government money is to be dealt with. The act of failure to deposit money under Section 31 after possession is taken only imposes liability to pay higher interest under Section 34. The acquisition would not lapse under the Act.

22. In our opinion, the cases in which there is deliberate action of the owners for not collecting the compensation and they do not want to receive it, Section 24(2) of the 2013 Act does not come to their rescue as provisions are to help those persons who are deprived of compensation but not for those who deliberately had not received it and litigated for decades for quashing of proceedings avoiding to receive compensation by wilful act. The failure to deposit in court under Section 31(1) in such cases would attract only interest as envisaged under Section 34 of the Act and the provisions of Section 24 cannot be so invoked in such cases.”



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29. In the aforesaid background, we have no hesitation to hold that the prayer of the petitioners for grant of declaration of acquisition being lapsed cannot be granted, for the reason that not only the petition is hopelessly time barred, but also the petitioners have failed to satisfy that the compensation was neither deposited nor tendered to them.

30. That being so, the petition lacks merit and stands dismissed accordingly.

31. Pending applications, if any, also stand disposed of.

32. Judgment be uploaded on the website of this Court.

**NITIN WASUDEO SAMBRE
(JUDGE)**

**ANISH DAYAL
(JUDGE)**

JANUARY 30, 2026/pr/om