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

*Date of decision: 10<sup>th</sup> April, 2026*

*Uploaded on: 15<sup>th</sup> April, 2026*

+ **W.P.(C) 3710/2026 & CM APPL. 18086/2026**

MANDEEP SINGH SEHRAWAT & ORS. ....Petitioners

Through: Mr. Dharamraj Ohlan, Adv.

versus

GOVT OF NCT OF DELHI & ORS. ....Respondents

Through: Mr. Sanjay Kumar Pathak, SC, Ms. K. Kaomudi Kiran Pathak, Mr. Sunil Kumar Jha, Mr. M. S. Akhtar, Ms. Joohu Kumari, Advs. for R1 & R2.

Mr. Vinay Kaushik, GP for R3.

Ms. Manika Tripathy, SC for DDA with Mr. Saksham Singh, Adv. for DDA.

Mr. Akul Mehandru, Adv.

**CORAM:**

**JUSTICE PRATHIBA M. SINGH**

**JUSTICE MADHU JAIN**

**Prathiba M. Singh, J. (Oral)**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by six Petitioners, seeking *inter alia* setting aside of the public notice dated 31st July, 2025, as also the public notice dated 9th February, 2026 and its corrigendum dated 23rd February, 2026. The six Petitioners arrayed in the present petition as under :

1. Sh. Mandeep Singh Sehrawat  
S/o Sh Mahender Singh  
R/o House No D-21 Aashiana,  
Near chaupai road village



Mahipalpur, South West Delhi  
New delhi-110037

2. Ashok Kumar  
S/o late Sh. Rohtash  
R/o h.no. 452, village Mahipalpur,  
Near chaupal chowk,  
New delhi-110037

3. Yogesh Chander  
S/o late Shri Sujan  
R/o h.no. 452, village Mahipalpur,  
Near chaupal chowk,  
New delhi-110037

4. Sukhbir singh  
S/o late Shri Kanwar Singh  
R/o h.no. 452, village Mahipalpur,  
Near chaupal chowk,  
New delhi-110037

5. Naresh  
S/o late Sh. Nawal Singh  
R/o house no 452 village Mahipalpur  
Near chaupal chowk,  
New delhi-110037

6. Manish Sehrawat  
S/o late Sh. Ravinder singh,  
R/o h.no. 75, khyali ram gali,  
Mahipalpur, South West Delhi,  
Delhi-110037

3. The said Petitioners have challenged the acquisition in respect of land comprising Khasra No.924 (4-16), 925 (4-16), 926/1 (4-12), Village Mahipalpur, New Delhi (*hereinafter, 'Acquired Land'*).

4. The Notification for acquisition under section 4 of Land Acquisition



Act, 1894 (*hereinafter, the '1894 Act'*) was issued in respect of this acquired land way back on 23<sup>rd</sup> January, 1965, followed by a Declaration under Section 6 of the 1894 Act on 7<sup>th</sup> February, 1966.

5. The Award confirming the said acquisition was passed on 19<sup>th</sup> September, 1986, bearing *Award no. 33/86-87*.

6. The said acquisition came to be challenged before this Court in *W.P.(C) 8706/2014*, titled *Sh. Mahender Singh & Ors. v. Union of India and Ors.*, which was allowed *vide* judgement dated 6<sup>th</sup> July, 2015. The acquisition was held to be lapsed under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition Act, 2013 (*hereinafter, 'the 2013 Act'*). The relevant portion of the said judgment dated 6<sup>th</sup> July, 2015 is set out below:

*“8. Without going into the controversy with regard to the physical possession, this much is clear that the Award was made more than five years prior to the commencement of the 2013 Act and the compensation has also not been paid to the petitioners, but has only been deposited in the treasury, which does not amount to payment of compensation as interpreted by the Supreme Court in Pune Municipal Corporation and Anr v. Harakchand Misirimal Solanki and Ors: (2014) 3 SCC 183.*

*9. All the necessary ingredients for the application of Section 24(2) of the 2013 Act as interpreted by the Supreme Court and this Court in the following cases stand satisfied: -*

*(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.**

*10. The learned counsel for the respondents have also taken the plea that the petitioners were subsequent purchasers. This aspect is also covered against the respondents in several decisions of this court including **Ranjana Bhatia v. Government of NCT of Delhi & Ors, W.P.(C) No. 2210/2010** decided on 28.10.2014.*

**11. 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.”**

7. An SLP was filed against this judgment dated 6<sup>th</sup> July, 2015 which came to be considered by the Supreme Court in the batch of matters decided in *Delhi Development Authority v. Tejpal and Others, (2024) 7 SCC 433*, wherein the lead matter was *SLP Civil No. 26697/19*. The relevant M.A related to this case was bearing *Diary No. 12596 of 2023* in *Civil Appeal no. 8631/2016*.

8. As per *DDA v. Tejpal (supra)*, the present acquisition proceedings fell in ‘List C-1’. In respect of cases falling in ‘List C-1’, the following directions were issued by the Supreme Court :

**“88.1. The time-limit for initiation of fresh acquisition proceedings in terms of the provisions contained in Section 24(2) of the 2013 Act is extended by a year starting from 1-8-2024 whereupon compensation to the affected landowners may be paid in accordance with law, failing which consequences, also as per law, shall follow;**

**88.2. The parties shall maintain status quo regarding possession, change of land use, and creation of third-party rights till fresh acquisition proceedings, as directed above, are completed;”**



9. In terms of the above decision of the Supreme Court, fresh acquisition proceedings were to be initiated within one year from 1<sup>st</sup> August, 2024 and thereafter, compensation was to be paid to the affected landowners in accordance with law. Until the initiation of fresh acquisition proceedings, *status quo* was to be maintained with respect to the concerned land.

10. Pursuant to the judgment of the Supreme Court, in the present case, the LAC issued a public notice on 31<sup>st</sup> July, 2025. This notice was challenged by the Petitioners, along with several other land owners in ***W.P.(C) 14725/2025, titled Mandeep Singh Sehrawat & Ors. Vs. Govt. of Delhi & Ors.***

11. In the said writ petition, the following persons were arrayed as Petitioners:

1. SH. MANDEEP SINGH SEHRAWAT  
S/O SH MAHENDER SINGH  
R/O HOUSE NO D-21 AASHIANA, NEAR CHAUPAI ROAD  
VILLAGE MAHIPALPUR, SOUTH WEST DELHI  
NEW DELHI-110037
2. ASHOK KUMAR  
S/O LT SH. ROHTASH  
R/O H.NO. 452, VILLAGE MAHIPALPUR,  
NEAR CHAUPAL CHOWK,  
NEW DELHI-110037
3. BALJIT SINGH  
S/O LATE MANGAT RAM  
R/O H.NO. 452, VILLAGE  
MAHIPALPUR, NEAR CHAUPAL CHOWK,  
NEW DELHI-110037
4. YOGESH CHANDER  
S/O LATE SHRI SUJAN  
R/O H.NO. 452, VILLAGE MAHIPALPUR,  
NEAR CHAUPAL CHOWK,  
NEW DELHI-110037



5. SUKHBIR SINGH  
S/O LATE SHRI KANWAR SINGH  
R/O H.NO. 452, VILLAGE MAHIPALPUR,  
NEAR CHAUPAL CHOWK,  
NEW DELHI-110037
6. KARAMBIR SINGH  
S/O LT SH KANWAR SINGH  
R/O HOUSE NO 452 VILLAGE MAHIPALPUR  
NEAR CHAUPAL CHOWK,  
NEW DELHI-110037
7. ROHIT KUMAR SEHRAWAT  
S/O LT SH KULDEEP SINGH  
R/O HOUSE NO 452 VILLAGE MAHIPALPUR  
NEAR CHAUPAL CHOWK,  
NEW DELHI-110037
8. UMESH  
S/O LT SH RANDHIR SINGH  
R/O HOUSE NO 452 VILLAGE MAHIPALPUR  
NEAR CHAUPAL CHOWK,  
NEW DELHI-110037
9. AMIT  
S/O LT SH YUGVENDER  
R/O HOUSE NO 452 VILLAGE MAHIPALPUR  
NEAR CHAUPAL CHOWK,  
NEW DELHI-110037
10. NARESH  
S/O LT SH NAWAL SINGH  
R/O HOUSE NO 452 VILLAGE MAHIPALPUR  
NEAR CHAUPAL CHOWK,  
NEW DELHI-110037
11. DINESH  
S/O LT SH NAWAL SINGH  
R/O HOUSE NO 452 VILLAGE MAHIPALPUR  
NEAR CHAUPAL CHOWK,  
NEW DELHI-110037
12. SATISH KUMAR



S/O LT SH ROHTASH  
R/O HOUSE NO 452 VILLAGE MAHIPALPUR  
NEAR CHAUPAL CHOWK.  
NEW DELHI-110037

13. AJAY KUMAR  
S/O LT SH ROHTASH  
R/O HOUSE NO 452 VILLAGE MAHIPALPUR  
NEAR CHAUPAL CHOWK,  
NEW DELHI-110037

14. YODHBIR  
S/O LT SH ANUP SINGH  
R/O HOUSE NO 452 VILLAGE MAHIPALPUR  
NEAR CHAUPAL CHOWK,  
NEW DELHI-110037

15. SHIV KUMAR  
S/O LT SH KARAM CHAND  
R/O HOUSE NO 452 VILLAGE MAHIPALPUR  
NEAR CHAUPAL CHOWK,  
NEW DELHI-110037

16. OMJEET  
S/O LT SH KARAM CHAND  
R/O HOUSE NO 452 VILLAGE MAHIPALPUR  
NEAR CHAUPAL CHOWK,  
NEW DELHI-110037

17. MANISH SEHRAWAT  
S/O LT. SH. RAVINDER SINGH,  
R/O H.NO. 75, KHYALI RAM GALI,  
MAHIPALPUR, SOUTH WEST DELHI,  
DELHI-110037

18. SACHIN SEHRAWAT  
S/O LT. SH. RAVINDER SINGH,  
R/O H.NO. 75, KHYALI RAM GALI,  
MAHIPALPUR, SOUTH WEST DELHI,  
DELHI-110037



19. NIKHIL SEHRAWAT  
S/O RANBIR SINGH SEHRAWAT,  
R/O D-48, KHYALI RAM GALI,  
MAHIPALPUR, SOUTH WEST DELHI,  
DELHI-110037
20. VIKAS SEHRAWAT  
S/O LT. SH. RUPESH KUMAR,  
R/O H.NO. 478, KHYALI RAM GALI,  
MAHIPALPUR, SOUTH WEST DELHI,  
DELHI-110037
21. VISHAL SEHRAWAT  
S/O LT. SH. RUPESH KUMAR,  
R/O FLAT. NO. 101, PLOT NO. B-271,  
VASANT ENCLAVE, NANGAL DEWAT,  
SOUTH WEST DELHI,  
DELHI-110037
22. GEETA DEVI  
W/O ASHOK KUMAR,  
R/O 249/4, DELHI GATE, 4,  
JHAJJAR, PO : JHAJJAR,  
DIST: JHAJJAR HARYANA-124103
23. KARTIK SEHRAWAT  
S/O LT. SH. RAKESH KUMAR SEHRAWAT,  
R/O H.NO. D-26, KIRAN BHAWAN  
SH. KHYALI RAM GALI, MAHIPALPUR,  
SOUTH WEST DELHI, DELHI-110037
24. SUNITA DEVI  
W/O LT. SH. NARENDER KUMAR,  
R/O D-28 RED LIGHT WALI GALI,  
MAHIPALPUR, SOUTH WEST DELHI,  
DELHI-110037
25. NISHANT SEHRAWAT  
S/O LT. SH. DALBIR SINGH SEHRAWAT,  
R/O D-48, KHYALI RAM GALI, MAHIPALPUR,  
SOUTH WEST DELHI, DELHI-110037



26. DEEPTI SEHRAWAT  
D/O LT. SH. RAMESH SEHRAWAT,  
R/O H.NO. 452, NEAR CHOUPAL CHOWK,  
MAHIPALPUR, SOUTH WEST DELHI,  
DELHI-110037

27. SAURABH SEHRAWAT  
S/O LT. SH. RAMESH SEHRAWAT,  
R/O 452, CHOUPAL CHOWK, MAHIPALPUR,  
SOUTH WEST DELHI, DELHI-110037

28. JYOTI  
D/O LT. SH. NARENDER KUMAR,  
R/O 452, CHOUPAL CHOWK,  
MAHIPALPUR, SOUTH WEST DELHI,  
DELHI-110037

12. In the aforementioned petition being ***W.P.(C) 14725/2025***, serious allegations were raised against the Petitioners, including the counsels representing them on the ground that signatures of some of the Petitioners, namely, Deepti Sehrawat and Saurabh Sehrawat were in fact, forged. The said allegations were contained in ***CM APPL. 73188/2025*** filed in ***W.P.(C) 14725/2025***, as under:

*“2. The petition has been filed by the purported co-owners of land bearing Khasra No. 924 (4-16), 925 (4-16), 926/1 (4-12) Delhi admeasuring 14 Bighas 2 Biswas, situated in Village Mahipalpur, New Delhi. It is submitted that out rightly, the petitioners have played fraud upon the court by preferring and filing petition on behalf of some person who are residing outside India or have not supported the petition. **It is submitted that Saurabh Sehrawat appearing at serial No.27 in the memo of party of the writ petition is residing in Australia and has not signed the present petition. Similarly, Deepti Sehrawat, who is appearing at serial No. 26 in the writ petition, has also not signed the present writ petition, but by forging their signatures,***



**the present petition has been filed. It is submitted that attesting to the fact of forgery, Saurabh Sehrawat has now vide E-mail dated 16th November 2025, given the authorisation to Deepti Sehrawat to pursue his claim. The email dated 16th November 2025 is annexed herewith as Annexure-P-1.**

**3. It is further submitted that Petitioner No. 23, in the memo of party of the writ petition, namely Kartik Sehrawat, had been misled and manipulated to sign the affidavits but he does not want to contest the notice of re-acquisition dated 31.7.2025 and wants compensation. In view of apparent forgery, falsification of the affidavits by the petitioners, it is necessary that all the applicants/Petitioners in the writ petition be kindly verified by the Hon'ble Court before further adjudication of the petition.”**

13. Pursuant to filing of this application, the said writ petition **W.P.(C) 14725/2025** was dismissed as withdrawn on 5<sup>th</sup> February, 2026, in the following terms:

*“2. Ld. Counsel for the Petitioner had initially moved an adjournment slip in this matter.*

*3. However, upon the matter being taken up in Court, he submits that he has instructions to withdraw the present writ petition.*

*4. Accordingly, the present writ petition, along with all pending applications, is dismissed as withdrawn.”*

14. As is evident from the above order dated 5th February, 2026, no leave or liberty was sought by the Petitioners to file a fresh petition and the petition was simply dismissed as withdrawn.

15. The present petition has now been filed by some of the Petitioners, who had filed the earlier writ petition **W.P.(C) 14725/2025**, challenging the very same public notice dated 31<sup>st</sup> July, 2025 and the consequential public notice



dated 9<sup>th</sup> February, 2026 and its corrigendum dated 23<sup>rd</sup> February, 2026. The prayer is in Writ Petition is as under:

*“A. Issue a Writ of Certiorari or any other appropriate writ, direction or order quashing and setting aside the public notice dated 31.07.2025 issued under Section 21 of the New Land Acquisition Act, 2013 in respect of the Petitioners land bearing Khasra No. 924 (4-16), 925 (4 16), 926/1 (4-12), Village Mahipalpur, New Delhi;*  
*B. Issue a Writ of Certiorari or any other appropriate writ, direction or order quashing and setting aside the Public Notice dated 09.02.2026 and its Corrigendum dated 23.02.2026 qua the land of the petitioners at the S1. No.34 in Re-Acquisition 24(2) Cases List of the said Notice, wherein the land of the petitioners has been recommended for the re acquisition;*  
*C. Pass such other and further orders as may be deemed just and proper in the interest of justice”*

16. In the opinion of this Court, the present Petition would not be maintainable, as the earlier writ petition **W.P.(C) 14725/2025** was dismissed as withdrawn without any liberty to file afresh. The said previous writ petition was also filed challenging the public notice dated 31<sup>st</sup> July, 2025, and the same prayer has been made in the present petition as well, despite the Petitioner having been granted the liberty to raise the same challenge again. The remaining two notices that are challenged are consequential notices to the notice dated 31<sup>st</sup> July 2025.

17. The decision of the Supreme Court in **Sarguja Transport Service v. State Transport Appellate Tribunal, M.P., Gwalior & Ors. [(1987) 1 SCC 5]** is clear and categorical to this effect that when a writ petition filed under Article 226 of the Constitution of India is dismissed as withdrawn without the Petitioner seeking and being granted the liberty to file afresh another petition,



then a second petition filed by the same Petitioner, raising challenge to the same subject matter would not be permissible. The relevant portion of *Sarguja Transport Service (supra)* reads as under:

*“8. The question for our consideration is whether it would or would not advance the cause of justice if the principle underlying Rule 1 of Order XXIII of the Code is adopted in respect of writ petitions filed under Articles 226/227 of the Constitution of India also. It is common knowledge that very often after a writ petition is heard for some time when the petitioner or his counsel finds that the court is not likely to pass an order admitting the petition, request is made by the petitioner or by his counsel to permit the petitioner to withdraw from the writ petition without seeking permission to institute a fresh writ petition. A court which is unwilling to admit the petition would not ordinarily grant liberty to file a fresh petition while it may just agree to permit the withdrawal of the petition. **It is plain that when once a writ petition filed in a High Court is withdrawn by the petitioner himself he is precluded from filing an appeal against the order passed in the writ petition because he cannot be considered as a party aggrieved by the order passed by the High Court.** He may as stated in *Daryao v. State of U.P.* [AIR 1961 SC 1457 : (1962) 1 SCR 574] in a case involving the question of enforcement of fundamental rights file a petition before the Supreme Court under Article 32 of the Constitution of India because in such a case there has been no decision on the merits by the High Court. The relevant observation of this Court in *Daryao* case [AIR 1961 SC 1457 : (1962) 1 SCR 574] is to be found at p. 593 and it is as follows:*

*“If the petition is dismissed as withdrawn it cannot be a bar to a subsequent petition under Article 32, because in such a case there has been no decision on the merits by the court. We wish to make it clear that the conclusions thus reached by us are confined*



only to the point of *res judicata* which has been argued as a preliminary issue in these writ petitions and no other.”

9. The point for consideration is whether a petitioner after withdrawing a writ petition filed by him in the High Court under Article 226 of the Constitution of India without the permission to institute a fresh petition can file a fresh writ petition in the High Court under that article. On this point the decision in *Daryao case* [AIR 1961 SC 1457 : (1962) 1 SCR 574] is of no assistance. **But we are of the view that the principle underlying Rule 1 of Order XXIII of the Code should be extended in the interests of administration of justice to cases of withdrawal of writ petition also, not on the ground of *res judicata* but on the ground of public policy as explained above.** It would also discourage the litigant from indulging in bench-hunting tactics. In any event there is no justifiable reason in such a case to permit a petitioner to invoke the extraordinary jurisdiction of the High Court under Article 226 of the Constitution once again. **While the withdrawal of a writ petition filed in a High Court without permission to file a fresh writ petition may not bar other remedies like a suit or a petition under Article 32 of the Constitution of India since such withdrawal does not amount to *res judicata*, the remedy under Article 226 of the Constitution of India should be deemed to have been abandoned by the petitioner in respect of the cause of action relied on in the writ petition when he withdraws it without such permission. In the instant case the High Court was right in holding that a fresh writ petition was not maintainable before it in respect of the same subject-matter since the earlier writ petition had been withdrawn without permission to file a fresh petition.** We, however, make it clear that whatever we have stated in this order may not be considered as being applicable to a writ petition involving the personal liberty of an individual in which the petitioner prays for the issue of a writ in the nature of *habeas corpus* or seeks to enforce the fundamental right guaranteed under Article 21 of the Constitution since such a case stands on a



*different footing altogether. We, however, leave this question open.”*

18. The said decision of the Supreme Court in *Sarguja Transport Service (supra)* has since been reiterated and further strengthened by the Supreme Court in several decisions. In *Upadhyay & Co. v. State of U.P. & Ors. [(1999) 1 SCC 81]*, the Supreme Court applied the rationale in *Sarguja Transport Service (supra)* to further hold that once an SLP filed against an order of the High Court has been withdrawn without obtaining from the Court, liberty to file an SLP again, a fresh SLP filed against the same impugned order would not be maintainable. The relevant portions of the decision of Supreme Court in *Upadhyay & Co. (supra)* reads as under:

*“11. We made a recapitulation of the events as above for the purpose of showing that the petitioner has absolutely no case in the present SLPs. He cannot, at any rate, now challenge the order of the High Court dated 3-5-1996 over again having withdrawn the SLP which he filed in challenge of the same order. It is not a permissible practice to challenge the same order over again after withdrawing the special leave petition without obtaining permission of the court for withdrawing it with liberty to move for special leave again subsequently.*

*12. The above principle has been incorporated as a rule in the realm of suits. Order 23 Rule 1 of the Code of Civil Procedure deals with withdrawal of suit or abandonment of part of the claim. Sub-rule (3) says that the court may in certain contingencies grant permission to withdraw from a suit with liberty to institute a fresh suit in respect of the subject-matter of such suit. Sub-rule (4) reads thus:*

*“1. (4) Where the plaintiff—*

*(a) abandons any suit or part of a claim under sub-rule (1), or  
(b) withdraws from a suit or part of a claim without the permission referred to in sub-rule (3),  
he shall be liable for such costs as the court may award and*



shall be precluded from instituting any fresh suit in respect of such subject-matter or such part of the claim.”

**13. The aforesaid ban for filing a fresh suit is based on public policy. This Court has made the said rule of public policy applicable to jurisdiction under Article 226 of the Constitution (Sarguja Transport Service v. STAT [(1987) 1 SCC 5 : 1987 SCC (Cri) 19] ). The reasoning for adopting it in writ jurisdiction is that very often it happens, when the petitioner or his counsel finds that the court is not likely to pass an order admitting the writ petition after it is heard for some time, that a request is made by the petitioner or his counsel to permit him to withdraw it without seeking permission to institute a fresh writ petition. A court which is unwilling to admit the petition would not ordinarily grant liberty to file a fresh petition while it may just agree to permit withdrawal of the petition. When once a writ petition filed in a High Court is withdrawn by the party concerned, he is precluded from filing an appeal against the order passed in the writ petition because he cannot be considered as a party aggrieved by the order passed by the High Court. If so, he cannot file a fresh petition for the same cause once again. The following observations of E.S. Venkataramiah, J. (as the learned Chief Justice then was) are to be quoted here: (SCC p. 12, para 9)**

*“[W]e are of the view that the principle underlying Rule 1 of Order 23 of the Code should be extended in the interests of administration of justice to cases of withdrawal of writ petition also, not on the ground of res judicata but on the ground of public policy as explained above. It would also discourage the litigant from indulging in bench-hunting tactics. In any event there is no justifiable reason in such a case to permit a petitioner to invoke the extraordinary jurisdiction of the High Court under Article 226 of the Constitution once again. **While the withdrawal of a writ petition filed in the High Court without permission to file a fresh writ petition may not bar other remedies like a suit or a petition under Article 32 of the Constitution of India since such withdrawal does not amount to res judicata, the remedy under Article 226 of the***



**Constitution of India should be deemed to have been abandoned by the petitioner in respect of the cause of action relied on in the writ petition when he withdraws it without such permission.”**

14. Of course their Lordships added that the above rule is not applicable to writ petitions involving personal liberty “since such a case stands on a different footing altogether”.

15. We have no doubt that the above rule of public policy, for the very same reasoning, should apply to special leave petitions filed under Article 136 of the Constitution also. Even otherwise, the order passed by the Division Bench of the High Court on 3-5-1998 does not warrant interference on merits as the learned Judges of the High Court have taken into account all the relevant facts and come to the correct conclusion.”

19. The Supreme Court in another decision titled ***M.J. Exporters Private Limited v. Union of India & Ors. [(2021) 13 SCC 543]***, while emphasising on the principles of ‘constructive res judicata’, held as under:

**“13. Mr K. Radhakrishnan, learned Senior Counsel appearing for the Department, has drawn our attention to the order dated 2-8-2004 which was passed in M.J. Exports (P) Ltd. v. Union of India [M.J. Exports (P) Ltd. v. Union of India, WP No. 1278 of 2004, order dated 2-8-2004 (Bom)] . His submission was that in the earlier round of litigation before the High Court when the demand of interest was questioned, it was given up inasmuch as after arguments on this issue, the counsel for the appellant had withdrawn the writ petition. At that time, while allowing the appellant to withdraw the writ petition, the dispute was confined only to the calculation of interest as is clear from the order dated 2-8-2004 [M.J. Exports (P) Ltd. v. Union of India, WP No. 1278 of 2004, order dated 2-8-2004 (Bom)] itself which specifically referred to the averments made in Paras 6 and 7. These paragraphs have already been extracted above. In Para 6 particularly, Respondent 1 made some remarks about the calculation of the interest and had stated that it needed recalculation. Therefore, after the dismissal of the said writ petition as withdrawn, the only issue**



*that remains for consideration was how much interest is payable and the correct calculations thereof. It is a matter of record which flows from the correspondence exchanged thereafter between the parties that insofar as the Department is concerned, it only reworked the amount of interest and demanded interest in the sum of Rs 4,67,02,251 after reducing the figure from Rs 8,43,62,504 because of the reasons already stated above.*

*14. Consequently in the second writ petition, when the appellant as well as its counsel knew that the issue as to whether the interest is payable or not on other grounds had already been foreclosed in the earlier writ petition, the counsel for the appellant did not make any submission with regard to the aforesaid plea raising the issue in show-cause notice and limited his prayer from the date from which the interest was to be paid.*

***15. In these circumstances, we feel that when this issue was raised and abandoned in the first writ petition which was dismissed as withdrawn, the principles of constructive res judicata which are laid down under Order 23 Rule 1 of the Code of Civil Procedure, 1908, and which principles are extendable to writ proceedings as well as held by this Court in Sarguja Transport Service v. STAT [Sarguja Transport Service v. STAT, (1987) 1 SCC 5 : 1987 SCC (Cri) 19] would squarely be applicable.***

*16. For these reasons, we are of the opinion that it is not permissible for the appellant to now raise such arguments. We, thus, do not find any error passed by the High Court which results in the dismissal of this appeal.”*

20. Furthermore, coming back to the facts of this case, this Court is also of the view that since the initiation of the acquisition proceedings in terms of the directions given in *DDA v. Tejpal (supra)* in respect of ‘List C-1’ has been done within a period of one year, thus, even on merits, the acquisition in the present case cannot be challenged.

21. The other Respondents *i.e.* Respondents No. 5 to 26, who are also co-



owners of the acquired land, submit that they have already filed claims for seeking fair compensation with respect to their acquisition under the 2013 Act.

22. Accordingly, this petition is also dismissed, with liberty granted to the Petitioners to seek fair compensation under the 2013 Act, in accordance with law.

23. In so far as the allegations of forgery are concerned, considering the fact that the forged affidavit was given to the Counsel by one Mr. Ashok Sehrawat, it appears that the Counsel is not at fault. The Court accepts the apology tendered by the Id. counsel and decides not to take any further action.

24. However, insofar as the present petition is concerned, the same is dismissed with Rs. 1, 00,000/- as costs to be deposited by the Petitioners to the Delhi State Legal Services Authority in the following account-

**Name:** *Delhi High Court Legal Services Committee*  
**Bank:** *UCO Bank, Delhi High Court.*  
**A/c No.:** *15530110008386*  
**IFSC Code:** *UCBA0001553*

25. The present petition, along with pending application(s), if any, is disposed of.

26 List for compliance on 22<sup>nd</sup> May, 2026.

**PRATHIBA M. SINGH**  
**JUDGE**

**MADHU JAIN**  
**JUDGE**

**APRIL 10, 2026/prg/ss**