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

Date of decision: 23rd March, 2026

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W.P.(C) 2759/2014

GIRISH CHHABRA

.....Petitioner

Through: Mr. Setu Niket & Ms. Esha
Mazumdar, Advs

versus

LT. GOVERNOR OF DELHI AND ORS

.....Respondents

Through: Mr. Sanjay Kumar Pathak, SC with
Mr. Mohd. Sueb Akhtar, Advs.

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 writ petition was filed challenging the acquisition proceedings in respect of the subject land being *Khasra* Nos. 60/22/1 (17 *biswas*) and 60/22/2 (4 *biswas*) situated in village Shahbad Daulatpur, Delhi, and the same was disposed of *vide* judgment dated 12th September, 2014, in the following terms:-

“12. The learned counsel appearing on behalf of the respondents also sought to argue that the proviso would have to be considered even in cases which clearly fall within Section 24(2) of the 2013 Act because there is a colon which separates the main part of Section 24(2) and the proviso. It was contended that the proviso, therefore, has to be read as part of Section 24(2) and not as a proviso. We are afraid that this argument is also not available t.



o the respondents in view of the clear conclusion of law set out by the Supreme Court in the case of Sree Balaji Nagar (supra). Even otherwise, the argument is merely to be stated to be rejected.

*13. In the present case although the physical possession of the land in question has been taken, compensation has not been paid. **In view of the provisions of section 24(2) of the 2013 Act as interpreted in the Supreme Court decisions cited above, the acquisition proceedings in respect of the subject land would be deemed to have lapsed. It is, accordingly, declared that the subject acquisition has lapsed in terms of the deeming provision of Section 24(2) of the 2013 Act and the respondents are not entitled in law to retain possession of the subject land.***

3. As can be seen from the above judgment, the acquisition of the subject land was declared to have lapsed in view of section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter “*the 2013 Act*”). It was also held that the Respondents were not entitled to retain possession of the subject land.

4. This judgment was challenged by the DDA before the Supreme Court in *Civil Appeal No. 8497 of 2016*. The said appeal was dismissed *vide* order dated 31st August, 2016 on the ground that the issue raised by DDA is covered against it in *Civil Appeal No. 8477/2016* titled *Delhi Development Authority vs. Kusham Jain*. The order dated 31st August, 2016 passed by the Supreme Court reads as under:-

“ Leave granted.

The issue, in principle, is covered against the appellant by judgment in Civil Appeal No. 8477 of 2016 arising out of Special Leave Petition(C) No. 8467 of 2015.



This appeal is, accordingly, dismissed.

In the peculiar facts and circumstances of this case, the appellant is given a period of one year to exercise its liberty granted under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for initiation of the acquisition proceedings afresh.

We make it clear that in case no fresh acquisition proceedings are initiated within the said period of one year from today by issuing a Notification under Section 11 of the Act, the appellant, if in possession, shall return the physical possession of the land to the original land owner.

Pending applications, if any, stand disposed of.”

5. As can be seen from the above order, in the peculiar facts of this case, the DDA was given a period of one year to exercise liberty under Section 24(2) of the 2013 Act for initiation of fresh acquisition proceedings, failing which the physical possession of the subject land was to be returned to the landowner *i.e.*, the Petitioner.

6. A review application being ***Review Petition (Civil) Diary No. 20588/2019*** was filed by the DDA against the order dated 31st August, 2016, which was dismissed *vide* order dated 25th July, 2019.

7. Thereafter, a ***Miscellaneous Application Diary No. 13254/2023*** was filed by the DDA in the above review petition, wherein the Supreme Court *vide* order dated 11th December, 2024, observed that the prayer in the application was clearly covered by the judgment of the Supreme Court in ***Government of NCT of Delhi through its Secretary, Land and Building Department & Anr. vs. K.L. Rathi Steels Limited and Others, (2024) 7 SCC***



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8. The Supreme Court *vide* order dated 11th December, 2024, clarified that, in terms of paragraph 128(a) of the Judgment in *K.L. Rathi Steels (Supra)*, extension of one year is granted from 11th December 2024, for completion of the acquisition proceedings. The relevant portion of the said judgment is set out below:

“1. Delay condoned, and leave granted.

2. The applications for substitution are allowed, subject to all just exceptions.

3. Learned senior counsel for the parties are ad idem that the issue involved in the instant case squarely falls within the ambit of our decision in Government of NCT of Delhi through its Secretary, Land and Building Department & another vs. K.L. Rathi Steels Limited and others, (2024) 7 SCC 315.

4. Consequently, the respondents-land owners shall be entitled to compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 in accordance with the procedure as explained in paragraph 128 of K.L. Rathi (supra), which reads as follows:

“128. Under the circumstances, dismissal of the RPS and miscellaneous applications would have been logical and we could have ended our judgment hereby ordering so. However, there is something more of a balancing act that needs to be done having regard to the disclosures that were made in course of progress of other proceedings before us, which followed immediately after judgment on this set of RPs and miscellaneous applications was



reserved. Such other proceedings arose out of appeals carried from orders of the High Court declaring land acquisition proceedings as lapsed based on the decision in Pune Municipal Corporation (supra) as distinguished from RPs and miscellaneous applications of the nature under consideration. Since all such proceedings have more or less a common genesis and have followed similar trajectory, it would be eminently desirable to find a solution that benefits all. We may hasten to add here that the exercise of inherent powers conferred on this Court by Article 142, in such circumstances, is not just inevitable but also pivotal for disposal of the matters at hand, given their impact on public interest at large as well as to secure uniformity and consistency in our decisions; hence, we consider it expedient to pass such orders or directions for ensuring complete justice in the matters under consideration before us. Notwithstanding our discussion on the reference which was necessitated to answer the question of law on which there was a disagreement between the Hon'ble Judges of the Division Bench, taking an overall and holistic view of the matter and in the light of the larger public interest that is involved, in each of the RPs and miscellaneous applications that have been dealt with by this judgment (except those remanded to the High Court and those de-tagged for separate listing infra), we issue the following directions:

a)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 01st August, 2024 whereupon compensation to the affected landowners may be paid in accordance with law, failing which



consequences, also as per law, shall follow;

b)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;

c) Since the landowners are not primarily dependent upon the subject lands as their source of sustenance and most of these lands were/are under use for other than agricultural purposes, we deem it appropriate to invoke our powers under Article 142 of the Constitution and dispense with the compliance of Chapters II and III of the 2013 Act whereunder it is essential to prepare a Social Impact Assessment Study Report and/or to develop alternative multi-crop irrigated agricultural land. We do so to ensure that timeline of one year extended at (a) above to complete the acquisition process can be adhered to by the appellants and the GNCTD, which would also likely be beneficial to the expropriated landowners;

d) Similarly, compliance with sections 13, 14, 16 to 20 of the 2013 Act can be dispensed with as the subject-lands are predominantly urban/semi-urban in nature and had earlier been acquired for public purposes of paramount importance. In order to simplify the compliance of direction at (a) above, it is further directed that every Notification issued under section 4(1) of the 1894 Act in this batch of cases, shall be treated as Preliminary Notification within the meaning of section 11 of the 2013 Act, and shall be deemed to have been published as on 01st January, 2014;



e) The Collector shall provide hearing of objections as per section 15 of the 2013 Act without insisting for any Social Impact Assessment Report and shall, thereafter, proceed to take necessary steps as per the procedure contemplated under section 21 onwards of Chapter-IV of 2013 Act, save and except where compliance of any provision has been expressly or impliedly dispensed with;

f) The landowners may submit their objections within a period of four weeks from the date of pronouncement of this order. Such objections shall not question the legality of the acquisition process and shall be limited only to clauses (a) and (b) of section 15(1) of the 2013 Act;

g) The Collector shall publish a public notice on his website and in one English and one vernacular newspapers, within two weeks of expiry of the period of four weeks granted under direction (f) above;

h) The Collector shall, thereafter, pass an award as early as possible but not exceeding six months, regardless of the maximum period of twelve months contemplated under section 25 of the 2013 Act. The market value of the land shall be assessed as on 01st January, 2014 and the compensation shall be awarded along with all other monetary benefits in accordance with the provisions of the 2013 Act except the claim like rehabilitation etc.;

i) The Collector shall consider all the parameters prescribed under section 28 of the 2013 Act for determining the compensation for



the acquired land. Similarly, the Collector shall determine the market value of the building or assets attached with the land in accordance with section 29 and shall further award solatium in accordance with section 30 of the 2013 Act;

j) In the peculiar facts and circumstances of this case, since it is difficult to reverse the clock back, the compliance of Chapter (V) pertaining to "Rehabilitation and Resettlement Award" is hereby dispensed with; and

k) The expropriated landowners shall be entitled to seek reference for enhancement of compensation in accordance with Chapter-VIII of the 2013 Act.

5. It is clarified that the extension of one year, as granted to the Authorities for completion of acquisition in sub-para (a) reproduced above, will commence from the date of this order.

6. The Civil Appeal and Miscellaneous Applications are, accordingly, disposed of.

7. As a result, pending interlocutory applications, if any, also stand disposed of."

9. The submission of the Id. Counsel for the Petitioner is that some confusion was created due to a covering letter dated 10th January, 2025 issued by the Registry of the Supreme Court, referring to the order dated 11th December, 2024, passed in Civil Appeal No. 366/2025 that was mentioned incorrectly to be arising from the present petition.

10. This issue was also raised before this Court on 24th February 2025,



wherein the Id. Counsels were asked to examine the matter.

11. Both the Id. Counsels have made their submissions today. After perusing the orders, it is clear that the present writ petition would no longer survive as, initially, *vide* order dated 31st August, 2016 passed by the Supreme Court, one year's time was given for issuance of a fresh notification of acquisition. Thereafter, again, on 11th December 2024, one year was granted for completing the acquisition proceedings. Ld. Counsel for the LAC has confirmed that no acquisition proceedings have been initiated by the DDA or by the LAC in respect of the subject land.

12. Under such circumstances, no further orders are called for. The petition, in fact, would stand disposed of in terms of the orders passed by the Supreme Court on 31st August, 2016 read with 11th December, 2024.

13. The Petition is disposed of in above terms. Pending applications, if any, are also disposed of.

**PRATHIBA M. SINGH
JUDGE**

**MADHU JAIN
JUDGE**

MARCH 23, 2026/prg/msh