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

Date of decision: 6th May, 2026

Uploaded on: 8th May, 2026

+ **W.P.(C) 6167/2026 & CM APPL. 30327/2026, CM APPL. 30328/2026**

BRIJ LAL AND ORS.

.....Petitioners

Through: Mr. Anuj Kumar Garg, Adv. (M: 9999310742)

versus

UNION OF INDIA AND ORS.

.....Respondents

Through: Mr. Sanjay Kumar Pathak, Standing Counsel, with Mr. Sunil Kumar Jha, Mr. M. S. Akhtar & Mr. Kushagra Dixit, Advs. for R-2 &3.

Mr. Pushkar Sood, Senior Panel Counsel for DMRC & Mr. Samarth Sood, Adv. for R-5.

Mr. Vishwa Pal Singh, CGSC, Mr. Anurag Pandey, Mr. Srajan S Kulshrestha & Mr. Abhijit Singh, Advs. for UOI.

Mr. Shashi Pratap Singh & Ms. Laqshyaa Saluja, Advs. for DDA.

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 Mr. Brij Lal and Mrs. Sumitra Devi through the legal heirs *i.e.*, Mr. Rajindra Prashad and Mr. Pawan Kumar, *inter alia*, assailing the acquisition of property being 10 *biswa* comprised in *Khasra* No. 15/1/2/1, Village Aali, Tehsil Kalkaji, New Delhi (*hereinafter*,



'subject land').

3. The case of the Petitioners is that the subject land was acquired in 1986, *vide* Award no. 206/86-87 dated 22nd September, 1986.

4. According to the Petitioners, the possession of the subject land was not taken for a considerable period of time, and the physical possession was still with the Petitioners.

5. Thereafter, the Petitioners had approached various authorities for measurement and demarcation of the land.

6. A second notification under Section 4 of the Land Acquisition Act, 1894 (*hereinafter*, 'Act, 1894') dated 25th November, 2009 was issued that the subject land is likely to be acquired for the construction of the Central Secretariat, Badarpur Corridor of DMRTS project.

7. In respect of the said notification dated 25th November, 2009, the Petitioners filed a writ petition being *W.P.(C) 863/2010* titled '*Sumitra Devi v. Union of India*' challenging the said notification. The said petition was disposed of on 2nd May, 2011, permitting the Petitioner to file objections under Section 5A of the Act, 1894. This is the first round of litigation. The operative portion of the order dated 2nd May, 2011 is set out below:

"It has also been decided that there is no urgency in the acquisition proceedings and thus the notification to the extent It Invokes Section 17(1) and (4) of the LA Act to be recalled and petitioners should be granted hearing of their objections under Section 5A of the LA Act in accordance with Law. The natural consequence is that the declaration under Section 6 of the LA Act would also go qua the land of the petitioners.

In view of the aforesaid consent recorded, the impugned notification dated 25.11.2009 to the extent it Invokes



Section 17 (1) and (4) of the LA Act and the subsequent declaration under Section 6 of the LA Act dated 12.3.2010 are quashed and the petitioners may file objections under Section 5A of the LA Act within thirty (30) days from today which objections will be decided In accordance with law.”

8. Thereafter, the Petitioners filed an SLP before the Supreme Court against the order dated 2nd May, 2011, being *SLP(C)No. 15692/2011*. The said SLP was withdrawn on 6th June, 2011. The relevant portion of the said order is set out below:

“Learned counsel for the petitioners prays that special leave petition be dismissed as withdrawn.

Ordered accordingly.

Liberty is granted, as prayed, to raise all relevant issues before the concerned authorities.”

9. Pursuant thereto, the declaration under Section 6 of the Act, 1894 was issued on 16th February, 2012.

10. The said declaration was challenged by the Petitioners in the second writ petition being *W.P.(C) 3095/2012* titled ‘*Brij Lal & Ors. v. Union of India*’.

11. In *W.P.(C) 3095/2012*, an order dated 22nd May, 2012 was passed, granting *status quo* in the following terms:

“1. Learned counsel for petitioners and respondent No.4 are not at variance that subject land ad-measuring 10 biswa comprised in Khasra No.15/1/2/1 in the revenue estates of Village Aali is being acquired for benefit of respondent No. 4. Thus, DDA, impleaded as respondent No.2, would neither be a necessary nor a proper party.



2. *We would need relevant record to be produced by respondent No.3 containing the decision by the competent authority with respect to notification dated November 25, 2009 issued under Section 4 of the Land Acquisition Act, 1894.*

3. *Let a direction be issued to respondent No.3 who should be served through the Secretary, Land and Building Department, Vikas Bhawan, New Delhi that an officer not below the rank of a Section Officer shall appear in court on the next date of hearing and produce the relevant record dealing with the objections filed by the petitioners under Section 5 of the Land Acquisition Act, 1894. It may be indicated in the direction that the officer concerned may appear through counsel on 17.07.2012.*

4. In the meanwhile, possession of the petitioners, if not already disturbed, be not disturbed till the next date of hearing.

5. *Dasti.*”

12. In the meantime, the Award being **6/2013-2014** dated 30th December, 2013 came to be passed by the Land Acquisition Collector, acquiring the subject land.

13. The Right to Fair Compensation, and Transparency in Land Acquisition, Rehabilitation, and Resettlement Act, 2013 (*hereinafter, Act, 2013*) was notified on 1st January, 2014.

14. In the meantime, during the pendency of **W.P.(C) 3095/2012**, an amendment application was filed under Order VI Rule 17 of the Civil Procedure Code, 1908 by the Petitioners, challenging the award being **6/2013-2014** dated 30th December, 2013.



15. The *W.P.(C) 3095/2012* was dismissed on 13th July, 2017 by a Coordinate Bench of this Court. The findings recorded by the Court are as under:

“[...]

8. The materials on record in the form of sketches and the plan relied upon by the petitioner clearly show that the suit lands fall within the larger boundary of the DMRC's lands. The DMRC has stated on record – a fact which is not denied that all adjacent properties and lands have been taken over and in fact, have been developed as part of its depot complex. Clearly, what is apparent from the plan is that possession of the suit lands could not be taken on account of the interim orders and not because the suit lands are kept outside of the complex.

*9. As to the petitioners' contentions that there are other lands in the vicinity and in the same village, the Court is unpersuaded by the submission. **The public purpose for which DDA had notified other lands differs from the public purpose for which lands were notified in the impugned notification. That the suit lands fall within the larger complex of the DMRC's requirements is quite evident from the record. In these circumstances, the objections made by the petitioner under Section 5A which have been virtually reiterated and on the basis of which interim orders have operated for the past 5 years and in the Court's opinion without any merit.***

The writ petition fails and is therefore dismissed.”

16. Thereafter, the Petitioners preferred an SLP being *SLP(C) 7570/2026* against the order dated 13th July, 2017. The said SLP was also dismissed *vide* order dated 9th October, 2017 which is set out below:



1. We are not inclined to interfere with the impugned judgment and order of the High Court; hence, the special leave petition is dismissed.

2. Pending application(s), if any, shall stand disposed of.

17. Pursuant thereto, the Petitioners had filed a third writ petition being **W.P.(C) 10158/2017** titled '**Brij Lal & Ors. v. Union of India**' seeking setting aside of the Award being **6/2013-2014** dated 30th December, 2013 and seeking compensation in terms of the *proviso* to Section 24 of the Act, 2013.

18. The **W.P.(C) 10158/2017** was also dismissed *vide* order dated 3rd December, 2025 with costs of Rs.25,000/-. Thereafter, the Petitioner had approached the Supreme Court in **SLP(C) 7550/2026**, assailing the order dated 3rd December, 2025, which was also dismissed *vide* order dated 9th March, 2026.

19. Hence, the present petition has been preferred by the Petitioners.

20. The prayers in the **W.P.(C) 10158/2017** are as under:

“A. Issue a writ of certiorari or any other writ quashing /setting aside the impugned Award No. 06/2013-2014 dt .30-12-2013 passed by respondent no.3/Land Acquisition Collector (South-East)/ Divisional Commissioner, New Delhi as illegal unjust and void ab-inito as the same is contrary to the first proviso after section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013, and

B. further seeking a writ of Mandamus/ or any other appropriate Writ directing the respondents to determine and Pay the award/compensation to the petitioners / Beneficiaries as per first proviso after Section 24 (2) of the Right to Fair Compensation and "Transparency in Land Acquisition, Rehabilitation and Resettlement Act



2013 and

C. Impose exemplary cost upon respondents for passing such impugned orders for harassing the petitioners,

D. Pass any other & further order or direction as may be deemed fit, proper, necessary and expedient in the interest of justice.”

21. As can be seen from the above prayers, the Petitioners' case was that the acquisition of the subject land ought to have lapsed in terms of Section 24(2) of the Act, 2013 and compensation ought to have been paid under the Act, 2013.

22. Both the aforesaid prayers were rejected by the Division Bench of this Court in *W.P.(C) 10158/2017* vide order dated 3rd December, 2025, with the clear finding that this is nothing but a case where the Petitioners are re-agitating their claims in separate writ petitions.

23. The findings of the Division Bench of this Court in *W.P.(C) 10158/2017* vide order dated 3rd December, 2025 are set out below:

“[...]

43. In this background, if we appreciate the above pleadings of the petitioners, the fact remains that they have already questioned the very Award dated 30th December 2013 in the earlier petition i.e. in W.P.(C) No.3095/2012 on the same grounds on which this Court has already dwelled on the said issue in order dated 13th July 2017.

44. As such, in law for the reasons so discussed hereinafter, we are of the view that it is not open for the petitioners to re-open and re-agitate the same issue before this Court. An attempt on the part of the petitioners to re-agitate the said issue can be viewed as



nothing but an abuse of process of law as the said issue already stood concluded vide earlier order of this Court.

45. In law, the finding recorded by this Court, thereby dismissing the W.P.(C) No.3095/2012 vide order dated 13th July 2017 once has attained finality upto the Hon'ble Apex Court, as the petitioners' SLP came to be dismissed on 9th October 2017, it is not open to the petitioners to re-agitate the same.

46. It appears that since there was an operation of status quo vide order dated 22nd May 2012 in regard to possession in the W.P.(C) 3095/2012. After dismissal of the said writ petition i.e. W.P.(C) No.3095/2012, the petitioners approached the Hon'ble Apex Court through an SLP, which also stood dismissed on 9th October 2017. **Thereafter, the respondents have taken the possession of the land on 3rd May 2018. The possession having been lost by the petitioners is not a fact in dispute.**

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53. In such an eventuality, the only remedy available with the petitioners is to have the compensation released under the Award with statutory interest under the Act of 1894 and not under the Act of 2013.

24. In terms of paragraph 53 extracted hereinabove above, the Division Bench of this Court had made it clear that the only remedy available to the Petitioners is to claim compensation under the Act, 1894 and not under the Act, 2013.

25. Today, the Id. Counsel for the Petitioners has made the following submissions:



- (i) That the Petitioners are entitled to compensation in terms of Section 24(1)(a) of the Act, 2013.
- (ii) That the Petitioners have made representations under Section 48 of the Act, 1894 and Section 21(a) of the Delhi Development Act, 1957 and the same ought to be considered in a time bound manner.
- (iii) It is submitted that the Act, 2013, in fact, comes into effect on 19th December, 2013 and since the award is of 30th December, 2013, the compensation under the new Act is payable.
26. In respect of all the three submissions, Id. Counsel for the Respondents have pointed out that the same issues are being re-agitated from time to time, and this is the fourth writ petition filed by the Petitioners.
27. Further, Id. Counsel for the Respondents also points out that none of the provisions *i.e.*, Section 48 of the Act, 1894 and Section 21(a) of the Delhi Development Act, 1957 would be applicable in the present case.
28. The Court has considered the matter and has perused the records.
29. Section 24(1)(a) of the Act, 2013 is set out below:

“ 24. Land acquisition process under Act No. 1 of 1894 shall be deemed to have lapsed in certain cases.—(1) Notwithstanding anything contained in this Act, in any case of land acquisition proceedings initiated under the Land Acquisition Act, 1894,—
(a) where no award under section 11 of the said Land Acquisition Act has been made, then, all provisions of this Act relating to the determination of compensation shall apply; or”



30. Insofar as Section 24(1)(a) of the Act, 2013 is concerned, it is only if no award under Section 11 was made under the Act, 1894, that the said provision would be applicable.

31. The same has also been clarified by the Supreme Court in *Indore Development Authority (LAPSE-5 J.) v. Manoharlal*, (2020) 8 SCC 129.

The relevant portion is set out below:

“[...]

123. Section 24(2) of the 2013 Act deals with a situation only where the award has been made 5 years or more before the commencement of the Act, but physical possession of the land has not been taken, nor compensation has been paid. It does not visualise a situation where possession has been taken under the urgency provision of Section 17(1), but the award has not been made. In such cases, under Section 24(1)(a) of the 2013 Act, there is no lapse of entire proceedings : but compensation is to be determined in accordance with the provisions of the 2013 Act.

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191. Section 24(1)(a) operates where no award is made in a pending acquisition proceeding; in such event all provisions of the new Act relating to determination of compensation would apply.

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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.”

32. Clearly, in this case, the impugned award has already been passed on 30th December, 2013. Hence, Section 24(1)(a) of the Act, 2013 would not be



applicable.

33. Section 21 of the Delhi Development Act, 1957 reads as under:

“21. Disposal of land by the Authority or the local authority concerned.—(1) Subject to any directions given by the Central Government under this Act, the Authority or, as the case may be, the local authority concerned may dispose of—

(a) any land acquired by the Central Government and transferred to it, without undertaking or carrying out any development thereon; or

(b) any such land after undertaking or carrying out such development as it thinks fit, to such persons, in such manner and subject to such terms and conditions as it considers expedient for securing the development of Delhi according to plan.

(2) The powers of the Authority or, as the case may be, the local authority concerned with respect to the disposal of land under sub-section (1) shall be so exercised as to secure, so far as practicable, that persons who are living or carrying on business or other activities on the land shall, if they desire to obtain accommodation on land belonging to the Authority or the local authority concerned and are willing to comply with any requirements of the Authority or the local authority concerned as to its development and use, have an opportunity to obtain thereon accommodation suitable to their reasonable requirements on terms settled with due regard to the price at which any such land has been acquired from them:

Provided that where the Authority or the local authority concerned proposes to dispose of by sale any land without any development having been undertaken or carried out thereon, it shall offer the land in the first instance to the persons from whom it was acquired, if they desire to purchase it subject to such requirements as to its

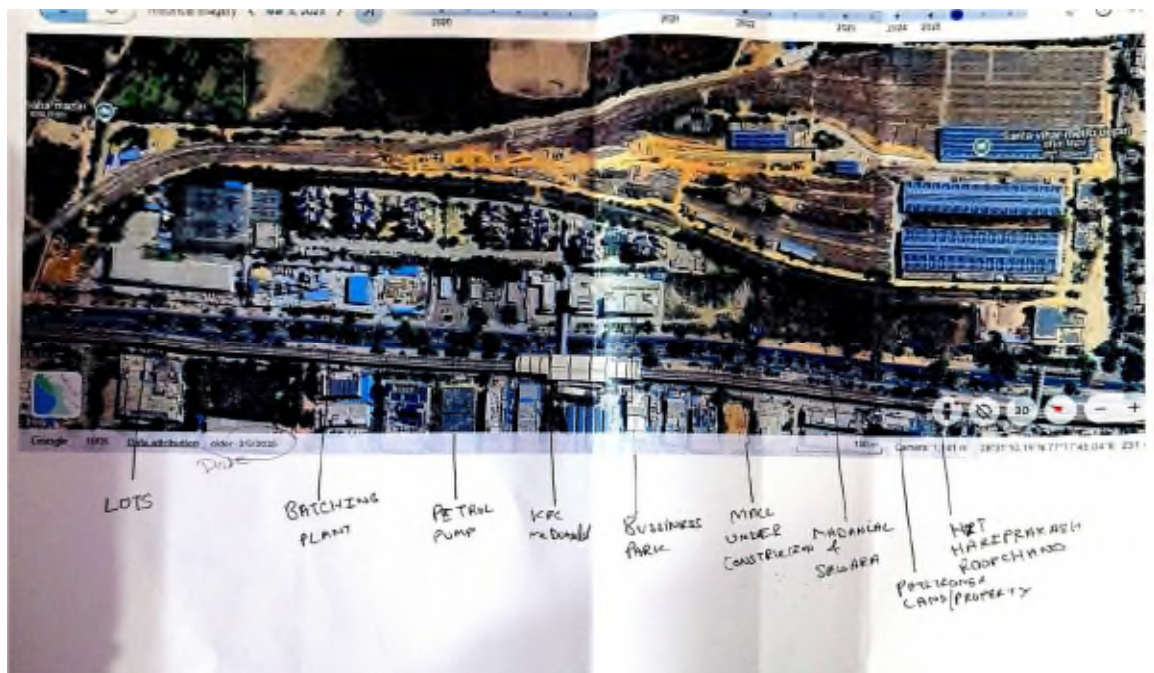


development and use as the Authority or the local authority concerned may think fit to impose.

(3) Nothing in this Act shall be construed as enabling the Authority or the local authority concerned to dispose of land by way of gift, mortgage or charge, but subject as aforesaid reference in this Act to the disposal of land shall be construed as reference to the disposal thereof in any manner, whether by way of sale, exchange or lease or by the creation of any easement right or privilege or otherwise.”

34. Insofar as Section 21(a) of the Delhi Development Act, 1957 is concerned, the said provision would also not be applicable. The submissions being made on behalf of the Petitioners would at best be covered under proviso to Section 21(2). However, even the said proviso would apply only if no development is being undertaken.

35. The map which has been placed on record is set out below:



36. Clearly, from the map which has been placed on record, the subject



land is presently with the DMRC, which is undertaking development. Thus, *proviso* to Section 21(2) of the Delhi Development Act, 1957 would also not be applicable.

37. Finally, coming to the amount of compensation, Id. Counsel for the Petitioners has clearly made an attempt to mislead the Court with the citing of the order in *W.P. (C) 11854/2018* titled '*Sh. Dhanraj Singh Jain & Anr. v. Union of India & Ors.*' dated 31st January, 2025, passed by the Division Bench of this Court, where an observation has been made in the passing that the Act, 2013 has come into effect on 19th December, 2013.

38. However, the said order has been corrected subsequently *vide* orders dated 6th March, 2025 and 2nd May, 2025, wherein it has been clarified that the Act, 2013 came into effect on 1st January, 2014.

39. These orders were obviously in the knowledge of the Petitioners/counsel but have not been brought to the notice of the Court. Such conduct is completely not condonable.

40. In any event, there is no dispute that the Act, 2013 has come into effect from 1st January, 2014 and the same is evident from a perusal of the bare act itself.

41. At this stage, Id. Counsel for the Petitioners submits that in respect of the adjoining lands, the acquisition has lapsed. Unfortunately, the said fact would not come to the aid of the Petitioners as, insofar as the Petitioners are concerned, this is the fourth writ petition and on the earlier three occasions the Petitioners had not been successful, and the same would bar the Petitioners from raising any further submissions in this regard.

42. The present petition is, accordingly, without any merit and is dismissed. As held by the earlier Division Bench of this Court in *W.P.(C) 10158/2017*



vide order dated 3rd December, 2025, the only remedy available for the Petitioner is to seek compensation as per the Act, 1894, which the Petitioners may seek in accordance with law.

43. At this stage, Ld. Counsel for the LAC submits that when the Petitioners were called for accepting the compensation, they did not do so, on the ground that the SLP is pending.

44. Be that as it may, it is up to the Petitioners to collect the compensation from the LAC's office.

45. The present petition is dismissed with further costs of Rs. 25,000/-. All pending applications, if any, are disposed of.

46. Both the cost amounts *i.e.*, imposed *vide* order dated 3rd December, 2025 and as per today's order, shall be deposited with the Delhi State Legal Services. The bank details of the Delhi State Legal Services Authority are as under:

- ***Name: Delhi State Legal Services Authority Cost Fund***
- ***Account No.: 18580110053263***
- ***IFSC Code: UCBA0003364***

47. List for compliance on 28th May, 2026.

**PRATHIBA M. SINGH
JUDGE**

**MADHU JAIN
JUDGE**

MAY 6, 2026
dj/sm