

[2022 LiveLaw \(SC\) 47](#)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
HEMANT GUPTA; V. RAMASUBRAMANIA, JJ.

January 06, 2022

CIVIL APPEAL NO. 199 OF 2022 (Arising out of S.L.P.(C) No. 19578 of 2015)
GOVERNMENT OF NCT OF DELHI THROUGH ITS SECRETARY & ORS.

VERSUS

OM PRAKASH & ORS.

Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013; Section 13(2) - Land Acquisition Act, 1894; Section 48 - Once the High Court has passed an order of lapsing of the acquisition proceedings by virtue of Section 24(2) of the Act, the landowners cannot revert back on the plea raised that they are entitled to seek release of land in terms of Section 48 of the Land Acquisition Act, 1894 since repealed.

(Arising out of impugned final judgment and order dated 23-09-2014 in WPC No. 3066/2013 passed by the High Court of Delhi at New Delhi)

Counsel for the Parties Mr. Neeraj Kumar Jain, Sr. Adv. Ms. Sujeeta Srivastava, AOR Ms. S. Janani, AOR Mr. Bankey Bihari, AOR Mr. B.S. Maan, Adv. Ms. Smita Maan, Adv. Mr. Vishal Maan, Adv. Mr. Naveen Kumar Chaudhary, Adv. Mr. Krishna Kant Sharma, Adv. Mr. Birendra Bikram, Adv. Mr. Vishnu B. Saharya, Adv. Mr. Viresh B. Saharya, Adv. Mr. Vivek B. Saharya, Adv. M/s. Saharya & Co., AOR

ORDER

Leave granted.

This appeal is directed against the judgment and order dated 23rd September, 2014 passed by the High Court of Delhi at New Delhi in W.P. (C) No. 3066 of 2013.

The writ petition filed by the respondents was allowed by the High Court holding that acquisition proceedings stand lapsed in terms of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short “the Act”).

The order passed by the High Court is not sustainable in view of the Constitution Bench judgment, **Indore Development Authority vs. Manohar Lal** reported in **2020 (8) SCC 129**.

However, Mr. Neeraj Kumar Jain, learned senior counsel appearing for the land owners submitted that the challenge in the writ petition was to an order passed by the appellant on a representation under Section 48 of the Land Acquisition Act, 1894 in terms of the directions issued by the High Court. Mr. Jain prayed that the matter be remanded back to the High Court for decision on the prayer made in the writ petition.

We do not find any merit in the argument raised by Mr. Jain. Once the High Court has passed an order of lapsing of the acquisition proceedings by virtue of Section 24(2) of the Act, the land owners cannot revert back on the plea raised that they are entitled to seek release of land in terms of Section 48 of the Land Acquisition Act, 1894 since repealed. The liberty is reserved with the State Government to withdraw from the acquisition of any land of which possession has not been taken. Section 48 of the erstwhile Land Acquisition Act does not confer any right with a landowner to seek withdrawal from the acquisition from the State Government.

Consequently, the appeal is allowed, the order passed by the High Court is set aside and the writ petition is dismissed.

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

© All Rights Reserved @LiveLaw Media Pvt. Ltd.

**Disclaimer: Always check with the original copy of judgment from the Court website. Access it [here](#)*