

The State Of Haryana vs Aalamgir on 18 March, 2025

2025 INSC 407

REPORT

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2025
(Arising out of Special Leave Petition (Civil) No.32689 of

STATE OF HARYANA & OTHERS APPELLANTS

VERSUS

AALAMGIR & OTHERS RESPONDENTS

WITH

CIVIL APPEAL NOS.401-403 OF 2024

CIVIL APPEAL NO.2220 of 2024

CIVIL APPEAL NO. OF 2025
(Arising out of Special Leave Petition (Civil) No.9553 of

CIVIL APPEAL NO. OF 2025
(Arising out of Special Leave Petition (Civil) No.9554 of

CIVIL APPEAL NO. OF 2025
(Arising out of Special Leave Petition (Civil) No.16448 of

CIVIL APPEAL NO. OF 2025
(Arising out of Special Leave Petition (Civil) No.22215 of

CIVIL APPEAL NO. OF 2025
(Arising out of Special Leave Petition (Civil) No.16462 of

CIVIL APPEAL NO. OF 2025
(Arising out of Special Leave Petition (Civil) No. o

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arising out of Diary No.28518 of 2017)

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RADHA SHARMA
Date: 2025.03.27
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CIVIL APPEAL NO. OF 2025
(Arising out of Special Leave Petition (Civil) No. 26841 of 2018)

CIVIL APPEAL NO. OF 2025
(Arising out of Special Leave Petition (Civil) No. of 2025
arising out of Diary No.28697 of 2017)

CIVIL APPEAL NO. OF 2025
(Arising out of Special Leave Petition (Civil) No. of 2025
arising out of Diary No. 28698 of 2017)

CIVIL APPEAL NO. OF 2025
(Arising out of Special Leave Petition (Civil) No. of 2025
arising out of Diary No.30627 of 2017)

CIVIL APPEAL NO. OF 2025
(Arising out of Special Leave Petition (Civil) No. 22213 of 2018)

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(Arising out of Special Leave Petition (Civil) No. 22221 of 2018)

CIVIL APPEAL NO. OF 2025
(Arising out of Special Leave Petition (Civil) No. of 2025
arising out of Diary No.32100 of 2017)

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(Arising out of Special Leave Petition (Civil) Nos.22216-22217 of 2018)

CIVIL APPEAL NO. OF 2025
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arising out of Diary No.32119 of 2017)

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(Arising out of Special Leave Petition (Civil) No.16454 of 2018)

CIVIL APPEAL NO. OF 2025
(Arising out of Special Leave Petition (Civil) No.16440 of 2018)

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(Arising out of Special Leave Petition (Civil) Nos.16294-16297 of 2024)

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arising out of Diary No.20292 of 2019)

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arising out of Diary No.20293 of 2019)

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arising out of Diary No.36905 of 2019)

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CIVIL APPEAL NO. OF 2025
(Arising out of Special Leave Petition (Civil) (C) No.30217 of 2019)

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arising out of Diary No.31454 of 2021)

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(Arising out of Special Leave Petition (Civil) Nos.19325-19328 of 2019)

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arising out of Diary No.18989 of 2023)

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arising out of Diary No.20110 of 2023)

CIVIL APPEAL NO. OF 2025
(Arising out of Special Leave Petition (Civil) No. of 2025
arising out of Diary No.60331 of 2024)

ORDER

Applications seeking condonation of delay in filing applications for setting-aside abatement in the case of deceased respondents/parties are allowed. Abatement is set-aside. Consequently, the applications seeking substitution of the legal representatives of the deceased respondents/parties are allowed. 1.1 Amended memos of parties shall be filed either by the learned counsel for the appellant-State or by the learned counsel who are appearing for the respondents.

1.2 The applications for condonation of delay in filing the Special Leave Petitions have been filed by the State of Haryana and other parties.

1.3 Learned counsel for the State submitted that in certain cases, delay in filing the Special Leave Petitions has been condoned subject to payment of costs in the range of Rs.10,000/- etc. In certain other cases, the delay has been condoned without imposition of any costs as such.

1.4 In some of these cases, the applications have been allowed and the delay has been condoned subject to payment of costs in certain cases. The details of the said cases are given in a tabular form as under:

Sr. No. Item No.	Case No.	Delay in Filing the SLP(s) (In Days)
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Sr. No.	Item No.	Case No.	Delay in Filing the SLP(s) (In Days)
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Sr. No.	Item No.	Case No.	Delay in Filing the SLP(s) (In Days)
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84	28.158	SLP(C) No. 19325-19328/2019	211, 225, 226
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1.5 The extent of delay in all these above cases is also noted by us. In the following cases there is no delay in filing the Special Leave Petitions:

Sr. No. Item No. Case No. 1.6 Having regard to the nature of the order which we propose to pass in these cases, we condone the delay in those Special Leave Petitions where applications are pending for condonation of delay. Consequently, in these cases where delay has not yet been condoned, the applications are allowed and the delay in filing the Special Leave Petitions is condoned, subject to

payment of costs which is determined as follows:

S. No.	Delay in Filing the SLPs	Costs Imposed per SLP (In Rs.)
01.	Upto 200 Days	Rs.5,000/-
02.	201 – 500 Days	Rs.10,000/-
03.	501 – 1000 Days	Rs.20,000/-
04.	1001 – 1500 Days	Rs.30,000/-
05.	1501 - 2500 Days	Rs.40,000/-
06.	2501 - 3000 Days	Rs.50,000/-

1.7 In view of the above determination, the costs are ordered to be imposed in the following matters where delay has not been condoned:

Sr. Item No. Case No(s). Delay In Costs Imposed No. Filing the per SLP SLP(s) (In Days) 01 28.6 Diary No.28518 of 2017 190 Rs.5,000/- 02 28.8 Diary No.28697 of 2017 186 Rs.5,000/- 03 28.9 Diary No.28698 of 2017 187 Rs.5,000/- 04 28.10 Diary No.30627 of 2017 192 Rs.5,000/- 05 28.13 Diary No.32100 of 2017 220 Rs.10,000/- 06 28.15 Diary No.32119 of 2017 180 Rs.5,000/- 07 28.16 Diary No.32369 of 2017 223 Rs.10,000/- 08 28.29 Diary No.37830 of 2017 253 Rs.10,000/- 09 28.33 Diary No.37948 of 2017 251 Rs.10,000/- 10 28.51 Diary No.30 of 2018 310 Rs.10,000/- 11 28.52 Diary No.39 of 2018 298 Rs.10,000/- 12 28.55 Diary No.2691 of 2018 327 Rs.10,000/- 13 28.56 Diary No.3661 of 2018 295 Rs.10,000/- 14 28.57 Diary No.5317 of 2018 310 Rs.10,000/- 15 28.58 Diary No.5319 of 2018 310 Rs.10,000/- 16 28.59 Diary No.5941 of 2018 313 Rs.10,000/- 17 28.60 Diary No.6950 of 2018 320 Rs.10,000/- 18 28.72 Diary No.23152 of 2018 480 Rs.10,000/- 19 28.73 Diary No.23156 of 2018 459 Rs.10,000/- 20 28.74 Diary No.23157 of 2018 478 Rs.10,000/- 21 28.75 Diary No.23161 of 2018 468 Rs.10,000/- 22 28.76 Diary No.8876 of 2019 737 Rs.20,000/- 23 28.82 Diary No.28377 of 2021 783 Rs.20,000/- 24 28.91 Diary No.8880 of 2019 723 Rs.20,000/- 25 28.99 Diary No.18345 of 2019 380 Rs.10,000/- 26 28.100 Diary No.18349 of 2019 471 Rs.10,000/- 27 28.101 Diary No.18352 of 2019 457 Rs.10,000/- 28 28.102 Diary No.18354 of 2019 440 Rs.10,000/- 29 28.103 Diary No.18355 of 2019 457 Rs.10,000/- 30 28.104 Diary No.18357 of 2019 428 Rs.10,000/- 31 28.105 Diary No.18359 of 2019 380 Rs.10,000/- 32 28.106 Diary No.18367 of 2019 428 Rs.10,000/- 33 28.107 Diary No.18369 of 2019 391 Rs.10,000/- 34 28.108 Diary No.18373 of 2019 440 Rs.10,000/- 35 28.109 Diary No.18908 of 2019 474 Rs.10,000/- 36 28.110 Diary No.18912 of 2019 443 Rs.10,000/- 37 28.111 Diary No.18928 of 2019 394 Rs.10,000/- 38 28.112 Diary No.18960 of 2019 446 Rs.10,000/- 39 28.113 Diary No.19565 of 2019 453 Rs.10,000/- 40 28.114 Diary No.19598 of 2019 453 Rs.10,000/- 41 28.115 Diary No.19751 of 2019 393 Rs.10,000/-

Sr. Item No. Case No(s). Delay In Costs Imposed No. Filing the per SLP SLP(s) (In Days) 42 28.116 Diary No.19829 of 2019 394 Rs.10,000/- 43 28.117 Diary No.20291 of 2019 449 Rs.10,000/- 44 28.118 Diary No.20292 of 2019 440 Rs.10,000/- 45 28.119 Diary No.20293 of 2019 455 Rs.10,000/-

46 28.120 Diary No.20296 of 2019 449 Rs.10,000/- 47 28.121 Diary No.20585 of 2019 444 Rs.10,000/- 48 28.123 Diary No.20755 of 2019 449 Rs.10,000/- 49 28.124 Diary No.24990 of 2019 609 Rs.20,000/- 50 28.130 Diary No.36905 of 2019 588 Rs.20,000/- 51 28.135 Diary No.151 of 2020 1045 Rs.30,000/- 52 28.137 Diary No.12898 of 2020 818 Rs.20,000/- 53 28.138 Diary No.25051 of 2020 1357 Rs.30,000/- 54 28.139 Diary No.1099 of 2021 1049 Rs.30,000/- 55 28.140 Diary No.27679 of 2021 776 Rs.20,000/- 56 28.142 Diary No.28405 of 2021 399 Rs.10,000/- 57 28.143 Diary No.29160 of 2021 783 Rs.20,000/- 58 28.145 Diary No.29614 of 2021 800 Rs.20,000/- 59 28.146 Diary No.31454 of 2021 809 Rs.20,000/- 60 28.147 Diary No.31463 of 2021 802 Rs.20,000/- 61 28.148 Diary No.31552 of 2021 761 Rs.20,000/- 62 28.149 Diary No.149 of 2022 1400 Rs.30,000/- 63 28.152 Diary No.22628 of 2022 836 Rs.20,000/- 64 28.153 Diary No.22632 of 2022 1237 Rs.30,000/- 65 28.154 Diary No.22636 of 2022 836 Rs.20,000/- 66 28.155 Diary No.18908 of 2023 2936 Rs.50,000/- 67 28.156 Diary No.19265 of 2023 2939 Rs.50,000/- 68 28.172 Diary No.8670 of 2019 722 Rs.20,000/- 69 28.180 Diary No.18364 of 2019 380 Rs.10,000/- 70 28.181 Diary No.18371 of 2019 391 Rs.10,000/- 71 28.183 Diary No.28351 of 2019 465 Rs.10,000/- 72 28.186 Diary No.24255 of 2020 1379 Rs.30,000/- 73 28.187 Diary No.28725 of 2020 1394 Rs.30,000/- 74 28.190 Diary No.18989 of 2023 2937 Rs.50,000/- 75 28.191 Diary No.20110 of 2023 2296 Rs.40,000/- 76 28.192 Diary No.60331 of 2024 753 Rs.20,000/-

The costs imposed shall be deposited with the Supreme Court Mediation Centre on or before 05.05.2025.

2. Leave granted.

3. These appeals assail the orders passed by the Punjab and Haryana High Court in several writ petitions in respect of acquisition of various parcels of land from time to time by issuance of notifications under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short “LA Act, 1894”). The respondents- land owners/subsequent purchasers have assailed the acquisition process. It may be that in certain cases the contentions with regard to the validity of the acquisition were raised in the Writ Petitions filed by them. However, the fact remains that pursuant to the enforcement of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as “2013 Act”), fresh Writ Petitions were filed seeking relief under sub-section (2) of Section 24 of the 2013 Act. In certain cases, amendments to the pending Writ Petitions may have also been made while in certain other Writ Petitions while assailing the process of acquisition under Sections 4 and 6 as well as under other provisions of the 1894 Act, applications seeking relief under Section 24(2) of the 2013 Act have also been made. Various contentions were also raised under sub-section (2) of Section 24 of the 2013 Act before the High Court.

4. At this stage, it is necessary to note that this Court, in the case of Pune Municipal Corporation vs. Harakchand Misirimal Solanki, (2014) 3 SCC 183 (“Pune Municipal Corporation”) had interpreted sub-section (2) of Section 24 of the 2013 Act by granting relief on the basis of the said interpretation. Thereafter, the matter was considered by a five-Judge Bench of this Court which was the case of Indore Development Authority vs. Manoharlal, (2020) 8 SCC 129 (“Indore Development Authority”), which set aside the earlier judgment of this Court in Pune Municipal Corporation. Paragraphs 365 to 367 of the judgment in Indore Development Authority are extracted as under:

“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.

367. Let the matters be placed before appropriate Bench for consideration on merits.”

5. It must be mentioned at this stage that in some of the impugned judgments, the High Court has followed the earlier judgment of this Court in Pune Municipal Corporation and has granted relief to the respondents-land owners/subsequent purchasers.

6. Being aggrieved by the said orders, the State of Haryana and others have preferred these appeals.

7. We wish to observe that if, today, these appeals have to be considered on merits then obviously the judgment passed by the five-Judge Bench of this Court in the case of Indore Development Authority would have to be applied to the facts of each case. It would call for a determination of facts as stated in Paragraphs 366.3 and 366.4 of the said judgment as well as the other relevant paragraphs of the said judgment.

8. The determination of the factual aspects in each of these cases would inevitably call for the consideration of the original records and hearing of the arguments by the respective parties on the factual aspects of each of these cases.

9. In the circumstances, we find it just and proper to set aside the impugned orders and remand these matters to the High Court for reconsideration of the Writ Petitions filed by the respondents-land owners/subsequent purchasers and to dispose of those Writ Petitions on the basis of the recent judgment of this Court in Indore Development Authority by applying the ratio and the observations of the said judgment to the facts of each case as they emanate in each of the cases.

10. At this stage, learned senior counsel and learned counsel for the respondents submitted that during the pendency of the Writ Petitions before the High Court and thereafter during the pendency of these appeals before this Court the respondents had the benefit of orders of status quo. Since this Court is remanding the matters to the High Court, the said orders of status quo may be continued in those cases where such orders prevail till the disposal of the writ petitions.

11. Learned Solicitor General appearing for the appellants very fairly submitted that since this Court is remanding the matters to the High Court, the order of status quo which were prevailing in those cases may be continued till the disposal of the writ petitions by the High Court.

12. In the circumstances, we find that the order of status quo prevailing in the Writ Petitions preferred by the respondents herein ought to continue till the disposal of the Writ Petitions by the High Court.

13. Learned senior counsel and learned counsel appearing for the respondents-land owners/subsequent purchasers further submitted that there were certain contentions raised with regard to the validity of the acquisition itself inasmuch as the process undertaken under Sections 4 and 6 and other provisions of the LA Act 1894 were also assailed apart from contentions being raised under sub-section (2) of Section 24 of the 2013 Act. That since the High Court has disposed of the writ petitions and granted relief on the basis of the earlier judgment of this Court in Pune Municipal Corporation, the validity of the acquisition as such may not have been gone into, inasmuch as only sub-section (2) of Section 24 of the 2013 Act may have been applied and relief may have been granted to the parties. Therefore, liberty may be reserved to the respondents to raise all available contentions on the validity of the acquisition itself.

14. Take note of the said contention in such cases, we reserve liberty to the respondents-land owners/subsequent purchasers to raise all available contentions with regard to the validity of the acquisition which have been undertaken under the LA Act of 1894 before the High Court. It is

needless to observe that those contentions would be considered on their own merits de hors any contention raised under sub-section (2) of Section 24 of the 2013 Act.

15. It was further contended by learned senior counsel and learned counsel for the respondents-land owners/subsequent purchasers that between the period of the impugned orders of the High court and today when the matters are being remanded to the High Court for reconsideration there have been certain developments, there may be third party rights created, there may be other developmental activities which have taken place on the land sought to be acquired. This is because there may have been quashing of the acquisition notifications and/or orders being passed by holding that there was lapse of acquisition under sub- section (2) of Section 24 of the 2013 Act and further on the basis of other contentions which were accepted by the High Court and there may also have been release of those lands to the respondents-land owners/subsequent purchasers as a consequence.

16. Learned senior counsel and learned counsel for respondents- land owners/subsequent purchasers contended that having regard to the long lapse of time between the quashing of the acquisition or a declaration that they have lapsed and the matters now being remanded to the High court for reconsideration and there being subsequent developments with regard to the subject land in question, liberty may be reserved to the respondents-land owners/subsequent purchasers to raise all contentions on the basis of equity and in accordance with law. We find that such a request made is reasonable and in the circumstances, we reserve liberty to the respondents-land owners/subsequent purchasers to raise those contentions before the High Court. Obviously appellant-State will have an opportunity to also oppose those contentions in accordance with law.

17. It is further noted that in certain cases there may be death of the respondents-land owners/subsequent purchasers and there has been no application filed for substitution of the deceased before this Court. Since we are remanding the matters to the High Court, it is obvious that the High Court will issue fresh notices to the respondents-land owners/subsequent purchasers if they have not appeared before the High Court in those cases and where there is demise of any respondent, the legal heirs have to be impleaded having regard to the applications that are to be filed wherever there are no applications filed for impleadment of legal heirs of deceased respondents herein.

In respect of other cases where the parties are represented by their respective counsel before this Court, we find that they ought to be permitted to appear before the High Court on 05.05.2025 without expecting any separate notices to be issued to them by the High Court. However, if for any reason, there is non- appearance of the respondents-land owners/subsequent purchasers who are writ petitioners before the High Court then fresh notices may also be issued to the Writ Petitioners before the High Court either through their counsel or directly to the said parties.

18. Learned senior counsel and learned counsel for the respondents-land owners/subsequent purchasers submitted that in several cases the State has made concessions before the High Court and there may have also been consent orders made by the High Court based on the concessions of the State. Since we are not interfering with the correctness or otherwise of the impugned order(s)

and are remanding the matters to the High Court purely on the basis of the recent judgment of this Court in Indore Development Authority, we do not wish to make any observations on the said concessions made on behalf of the State or any consent orders passed by the High Court on the basis of the concessions made by the State.

19. It is needless to observe that if the respondents-land owners/subsequent purchasers wish to take advantage of the concessions or the consent orders made by the High Court on the basis of the concessions made by the State, the same shall be considered having regard to the respective contentions advanced at the Bar and in accordance with law.

20. All other contentions which are germane to the adjudication of the Writ Petitions could be raised by both sides.

21. We place on record our appreciation for the assistance rendered by learned counsel, Mrs. Vanshaja Shukla and Ms. Diksha Rai Goswami for the respondents-land owners and Mr. Akshay Amritanshu and Mr. Samar Vijay Singh for the appellant- State as nodal counsel in these appeals.

22. The costs imposed shall be deposited with the Supreme Court Mediation Centre on or before 05.05.2025. In case the amounts of costs are not deposited, the High Court shall not hear the appellants herein until the filing of copies of the receipts/acknowledgement before the Registry of this Court as well as the High Court and by serving a copy of the same to the respondents' counsel herein.

These appeals are disposed of in the aforesaid terms. We reiterate that we have not made any observation on the merits of the matters.

.....J.

(B.V. NAGARATHNA) J.

(SATISH CHANDRA SHARMA) NEW DELHI;

MARCH 18, 2025.