

[2024] 5 S.C.R. 1159 : 2024 INSC 455

**Government of NCT of Delhi & Anr.**

**v.**

**M/s BSK Realtors LLP & Anr.**

(Civil Appeal No. 6604 of 2024)

17 May 2024

**[Surya Kant, Dipankar Datta and Ujjal Bhuyan, JJ.]**

### **Issue for Consideration**

a) Whether the dismissal of a civil appeal preferred by one appellant in the first round operates as *res judicata* against the other appellant in the second round before this Court; b) Whether suppression of the first round of litigation by the appellants constitutes a material fact, thereby inviting an outright dismissal of the appeals at the threshold; c) Does the doctrine of merger operate as a bar to entertain the civil appeals in the present case; d) Whether the previous determination of the rights of subsequent purchasers in an *inter se* dispute precludes the same issue from being reconsidered between the same parties.

### **Headnotes<sup>†</sup>**

**Land Acquisition Act, 1894 – Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 – Whether the dismissal of a civil appeal preferred by one appellant in the first round operates as *res judicata* against the other appellant in the second round before this Court:**

**Held:** In the lead matter before this Court or for that matter the other appeals, the co-respondents before the High Court, namely, GNCTD and DDA did not have conflicting interests – *Inter se* them, neither was there any disputed issue, nor could have the High Court possibly adjudicated on any such issue – Before this Court too, in the first round, there was no issue on which GNCTD and DDA were at loggerheads – In the light of this, in accordance with the legal principle, the applicability of *res judicata* is negated – *Res judicata*, as a technical legal principle, operates to prevent the same parties from relitigating the same issues that have already been conclusively determined by a court – However, it is crucial to note that the previous decision of this Court in the first round would not operate as *res judicata* to bar a decision on the lead matter and the

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other appeals; more so, because this rule may not apply hard and fast in situations where larger public interest is at stake – In such cases, a more flexible approach ought to be adopted by courts, recognizing that certain matters transcend individual disputes and have far-reaching public interest implications. [Paras 23 and 25]

**Land Acquisition Act, 1894 – Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 – Whether suppression of the first round of litigation by the appellants constitutes a material fact, thereby inviting an outright dismissal of the appeals at the threshold:**

**Held:** Law is well settled that the fact suppressed must be material in the sense that it would have an effect on the merits of the case – The concept of suppression or non-disclosure of facts transcends mere concealment; it necessitates the deliberate withholding of material facts—those of such critical import that their absence would render any decision unjust – Material facts, in this context, refer to those facts that possess the potential to significantly influence the decision-making process or alter its trajectory – This principle is not intended to arm one party with a weapon of technicality over its adversary but rather serves as a crucial safeguard against the abuse of the judicial process – Nevertheless, this Court has carefully considered the orders issued during the first round of litigation, which are alleged to have been suppressed – Despite reviewing these orders, there are no compelling reason to dismiss the appeals based solely on the prior dismissal of appeals filed by some other appellant/ authority. [Paras 30 and 31]

**Land Acquisition Act, 1894 – Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 – Does the doctrine of merger operate as a bar to entertain the civil appeals in the instant case:**

**Held:** The concept of public interest need not be viewed narrowly only on the yardstick of loss to public exchequer and that these are the cases where public at large has acquired interest in the public infrastructures already complete or in process of completion, this Court is satisfied that if the doctrine of merger is applied mechanically in respect of Groups A (deals with M.A.s filed by the appellants-authorities primarily pleading change in law and

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seeking recall of the judgments and orders of this Court dismissing the Civil Appeals and/or Review Petitions in the first round) and B.1 (includes cases where Civil Appeals were dismissed in the first round, and now an SLP (now Civil Appeal) is pending before this Court in the second round) cases, it will lead to irreversible consequences – This Court is satisfied that the element of disparity between Groups A and B.1 cases *visà-vis* cases falling in Group C is liable to be eliminated and this can only be done by invoking extraordinary power under Article 142 of the Constitution of India so that complete justice is done between the expropriated landowners, the State and its developing agencies and most importantly the public in general who has acquired a vested right in the public infrastructure projects. [Para 41]

**Land Acquisition Act, 1894 – Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 – Delhi Lands (Restrictions on Transfers) Act, 1972 – Whether the previous determination of the rights of subsequent purchasers in an *inter se* dispute precludes the same issue from being reconsidered between the same parties:**

**Held:** Group E cases deal with allegations regarding fraud by landowners by suppressing subsequent sale transactions, ownership title disputes, etc – It is settled that transfer of land in respect of which acquisition proceedings had been initiated, after issuance of Notification under section 4(1) of the 1894 Act, is void and a subsequent purchaser cannot challenge the validity of the notification or the irregularity in taking possession of the land – Also, the structure of the Delhi Lands (Restrictions on Transfers) Act, 1972 clearly indicates that any subsequent sale of the specified land without prior permission from the competent authority is not allowed, and if such sale is done through concealment, it amounts to fraud – The law with respect to “who” can invoke section 24(2) of the 2013 Act has been well settled after the decision of this Court in [Shiv Kumar](#) wherein it was held that subsequent purchasers do not have the locus to contest the acquisition and/or claim lapse of the acquisition proceedings – Coming to the specifics of each case qua subsequent purchasers or disputes regarding the title of the subject lands, this Court has clarified the scope of inquiry in *Delhi Development Authority v. Tejpal and others* – As far as the concealment of material facts regarding

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subsequent sale transactions, earlier round of litigations etc. are concerned, it is noted that the landowners and affected parties are under no obligation to either confirm or deny the allegations levelled against them – Nor this Court has directed the appellants to furnish original records or documents to substantiate their claim of concealment and suppression of material facts – Engaging in a factual inquiry at such an advanced stage of the legal process, especially without providing adequate opportunities to all parties, may not be fair – The cases listed in Group E involve complex questions of fact and this Court being the Court of the last resort, ought not to be involved in such elaborate factfinding exercise – Therefore, deem it appropriate to remit these cases to the High Court for proper adjudication on points of law as well as facts. [Paras 42, 44, 45, 46, 48]

**Doctrine/Principles – *Res judicata* – discussed.**

**Doctrine/Principles – Doctrine of merger – Exception:**

**Held:** This Court takes notice of the exception carved out by this Court in [Kunhayammed](#), to the effect that the doctrine of merger is not of universal or unlimited application and that the nature of jurisdiction exercised by the superior forum and the content or subject matter of challenge laid or which could have been laid shall have to be kept in view – The exception that has been carved out in [Kunhayammed](#), will only be permissible in the rarest of rare cases and such a deviation can be invoked sparingly only – However, among such exceptions, the extraordinary constitutional powers vested in this Court under Article 142 of the Constitution of India, which is to be exercised with a view to do complete justice between the parties, remains unaffected and being an unfettered power, shall always be deemed to be preserved as an exception to the doctrine of merger and the rule of stare decisis. [Para 33]

**Public Interest – Land Acquisition – Elements of Public interest:**

**Held:** a) While balancing the interest of the public exchequer against that of individuals, there are many other interests at stake, and it might not be possible to undo the acquisitions without causing significant cascading harms and losses to such other interests; b) Since development projects have either begun or most of the acquired lands have already been deployed for essential public projects such as hospitals, schools, expansion of metro, etc., the

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effect of non-condonation of delay would go beyond mere financial loss to the exchequer and would extend to the public at large; c) It would be like unscrambling the egg if compensation paid would have to be clawed back or possession taken would have to be reversed; d) In many cases, the development projects might also have to be undone – The reversal of possession of even a small plot lying on projects such as an under-construction metro corridor would be practically impossible; e) These are the cases where rights are vested to the public at large given the public infrastructure that has come up on a large number of acquired lands; f) The fresh acquisition, if so is required to be done by the State, would be at the expense of delaying the construction of critical public infrastructure in our national capital – When balancing public with private interest, the comparative interest on the landowners would be nominal as compared to the public at large; and g) The multiplicity of contradictory judicial opinions on section 24 (2) of the 2013 Act has made the present set of circumstances sui generis – The constant flux in the legal position of law has posed significant challenges for the State and its authorities. [Para 40]

**Case Law Cited**

*Indore Development Authority v. Manoharlal* [\[2020\] 3 SCR 1](#) : (2020) 8 SCC 129 – followed.

*State of Gujarat and Others v. M.P. Shah Charitable Trust and Others* [\[1994\] 3 SCR 163](#) : (1994) 3 SCC 552; *Mathura Prasad Bajoo Jaiswal and Others v. Dossibai N.B. Jeejeebhoy* [\[1970\] 3 SCR 830](#) : (1970) 1 SCC 613; *S.J.S. Business Enterprises (P) Ltd v. State of Bihar and Others* [\[2004\] 3 SCR 56](#) : (2004) 7 SCC 166; *Arunima Baruah v. Union of India and Others* [\[2007\] 5 SCR 904](#) : (2007) 6 SCC 120 – relied on.

*Delhi Development Authority v. Tejpal and Others* **Civil Appeal No. 6798 of 2024 arising out of SLP (Civil) No. 26697/2019**; *Pune Municipal Corporation v. Harakchand Mistrimal Solanki* [\[2014\] 1 SCR 783](#) : (2014) 3 SCC 183; *Govt (NCT) of Delhi v. Manav Dharam Trust and Another* [\[2017\] 4 SCR 232](#) : (2017) 6 SCC 751; *Shiv Kumar and Another v. Union of India and Others* [\[2019\] 13 SCR 695](#) : (2019) 10 SCC 229; *Kunhayammed and Others. v. State of Kerala and Another* [\[2000\] Supp. 1 SCR 538](#) : (2000) 6 SCC 359; *Pune Municipal Corporation v. Harakchand Misirimal Solanki* (2020) SCC OnLine SC 1471 – referred to.

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*Ranjana Bhatia v. Govt. of NCT of Delhi and another* (2014) SCC OnLine Del 2151; *Sparsh Properties Pvt. Ltd. v. Union of India and Others* (2014) SCC OnLine Del 6659 – referred to.

*Munni Bibi (since deceased) and Another v. Tirloki Nath and Others* AIR (1931) PC 114 – referred to.

### List of Acts

Land Acquisition Act, 1894; Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013; Delhi Lands (Restrictions on Transfers) Act, 1972; Constitution of India; Supreme Court Rules, 2013.

### List of Keywords

Land Acquisition; Res judicata; Interest reipublicae ut sit finis litium; Salus populi suprema lex esto; Public interest; Doctrine of merger; Article 142 of the Constitution of India; Elements of Public interest; Balancing the interest of the public exchequer; Public infrastructure; Balancing public with private interest; Fraud by Landowners; Concealment and suppression of material facts; Subsequent sale transactions; Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013; Section 4(1) of the Land Acquisition Act, 1894.

### Case Arising From

CIVIL APPELLATE JURISDICTION: Civil Appeal No. 6604 of 2024

From the Judgment and Order dated 11.01.2016 of the High Court of Delhi at New Delhi in WPC No.7442 of 2015

With

C.A. Nos. 6605, 6606, 6607, 6608, 6610, 6611, 6612, 6613 and 6649 of 2024, M.A. No. 277 of 2023 In C.A. No. 8492 of 2016, M.A. .... D.No. 39901 of 2022, M.A. No. 278 of 2023, M.A. ... D.No. 674 of 2023, M.A. ... D.No. 3577 of 2023, M.A. No. 346 of 2023, M.A. ... D.No. 5711 of 2023, C.A. No. 542 of 2016, C.A. Nos. 6614, 6615 and 6650 of 2024, Conmt. Pet.(C) No. 189 of 2019 In C.A. No. 2690 of 2017, C.A. Nos. 6651, 6616, 6618, 6652, 6619, 6653, 6620, 6621, 6622, 6623, 6624, 6625, 6626, 6627, 6628, 6654 and 6655 of 2024, Slp(C) D.No. 21746 of 2022, C.A. Nos. 6629 and 6656 of 2024, M.A. ... D.No. 39898 of 2022, M.A. ... D.No. 40951 of 2022, M.A. ... D.No.

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42177 of 2022, M.A. ... D.No. 1215 of 2023, M.A. ... D.No. 1713 of 2023, M.A. No. 1888 of 2023 In C.A. No. 352 of 2023, C.A. Nos. 6630, 6631, 6632 and 6633-6634 of 2024, M.A. No. 806 of 2020 in C.A. No. 2690 of 2017, C.A. Nos. 6981, 6635, 6636, 6637, 6638, 6639, 6640, 6641, 6642 and 6643 of 2024, SLP(C) D.No. 18142 of 2022, C.A. Nos. 6658 and 6644 of 2024, SLP(C) D. No.19142 of 2022, C.A. No. 6659 of 2024, SLP(C) D. No.19687 of 2022, C.A. Nos. 6660, 6648, 6661, 6662, 6647 and 6663 of 2024, SLP(C) D. Nos. 20104 and 20203 of 2022, C.A. Nos. 6645, 6664 and 6646 of 2024 and M.A. ... D.No. 32991 of 2023.

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Petitioner-in-person

Respondent-in-person

Applicant-in-person



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Judgment / Order of the Supreme Court

Judgment

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1. In view of the reasons assigned in the judgment pronounced by Hon’ble Surya Kant, J., speaking for the three of us minutes before in **Delhi Development Authority v. Tejpal and others**,<sup>1</sup> delay in presentation of all the Special Leave Petitions (“SLPs”, hereafter) under consideration stands condoned except those mentioned in Group B.2, which have been rendered infructuous as discussed later in this judgment, and Group D which we have directed to be de-tagged for separate listing.

2. Special leave is granted in all the SLPs except those in Group B.2 and Group D.

A. PREFACE

3. We are confronted with a peculiar situation where the Latin maxim “*interest reipublicae ut sit finis litium*” (it is in the interest of the State

\* Ed. Note: Pagination as per the original Judgment.

1 Civil Appeal No.....of 2024 arising out of SLP (Civil) No. 26697/2019

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that there be an end to litigation) notwithstanding, it is the State itself that has initiated a second round of litigation before this Court after culmination of the first round and sown the seeds for days' of hearing engaging our attention to erudite arguments from learned counsel on both sides. We are now tasked to decide on which side the Court should lean.

4. The quest for primacy between private interest and public interest has been a matter of debate for years together; the scales, however, seem to have tilted, ever so slightly, in favour of the latter. Yet, between the devil and the deep sea, we endeavour to construct a bridge—a '*setu*'—to strike a harmonious balance for the greater good; all, while adhering to the enduring Latin dictum "*salus populi suprema lex esto*", a principle that reinforces the paramountcy of the people's welfare as the supreme law.
5. There is one other aspect which needs emphasis. Justice, alone of all virtues, implies a notion of duty. As Judges of this Court, we are duty-bound to not only uphold the law but also ensure its consistent application. In navigating through the crisis, chaos, and confusion presented by the several sets of appeals before us, we are committed to ensure consistency, clarity, and coherence and strike a delicate, yet, necessary balance to arrive at a harmonious resolution. In the course of rectifying the aftermath of rulings and overrulings, and grappling with complexities surrounding questions of limitations, maintainability, merger doctrine, etc., our commitment to justice remains resolute.
6. With these prefatory words, we now proceed to decide the various sets of appeals before us.

### B. BRIEF RESUME OF FACTS

7. While there are multiple civil appeals, which we are tasked to decide, a particular SLP<sup>2</sup> was referred to a Bench of three Judges by a Bench of two Judges *vide* order dated 21<sup>st</sup> July, 2022. In view of grant of leave by us, this would be treated as the lead matter.
8. We place on record that it is pursuant to the said order dated 21<sup>st</sup> July, 2022 that all these appeals have been listed before us, in deference to orders made by the Hon'ble the Chief Justice of India.

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9. Before delving deep into the intricacies presented by these civil appeals, it would be apposite to trace the factual trajectory of the lead matter culminating in the present stage:
- a) The facts are noticed from the Civil Appeal<sup>3</sup> arising out of the Writ Petition<sup>4</sup> instituted before the High Court of Delhi (“High Court”, hereafter) by the first respondent, M/s BSK Realtors LLP. Land acquisition proceedings had been initiated under the Land Acquisition Act, 1894 (“1894 Act,” hereafter) to acquire several parcels of lands. Land belonging to M/s BSK Realtors LLP comprised in Khasra No.623(5-10) measuring 5 bighas 10 biswas in Chattarpur village also formed part of the proceedings. The High Court *vide* its judgment and order dated 11<sup>th</sup> January, 2016 allowed the writ petition. In so allowing, it relied on the decision of this Court in [Pune Municipal Corporation and another v. Harakchand Misirimal Solanki and others](#)<sup>5</sup> and similar line of decisions. It was held in ***Pune Municipal Corporation*** (*supra*) that if any one of the two ingredients of section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (“2013 Act”, hereafter) was attracted, i.e., either the physical possession of the land was not taken or the compensation was not paid, as the case may be, the acquisition proceedings under challenge would be deemed to have lapsed. As a matter of fact, the High Court found all the ingredients of section 24(2) of the 2013 Act as interpreted by the Supreme Court to be satisfied despite Award No.15/87-88 dated 5<sup>th</sup> June 1987 and hence, declared the acquisition proceedings to have lapsed.
- b) Aggrieved thereby, the beneficiary of the acquisition proceedings-Delhi Development Authority (second respondent herein) (“DDA”, hereafter), carried such judgment and order in appeal praying for it to be set aside. After granting leave, a Bench of two Hon’ble Judges of this Court *vide* judgment and order dated

3 GNCTD & Anr. v. M/S BSK Realtors LLP & Anr., Diary No. 17623/2021

4 W.P. (C) No. 7442/2015

5 (2014) 3 SCC 183

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31<sup>st</sup> August, 2016 dismissed the Civil Appeal.<sup>6</sup> It was observed that the issue, in principle, had already been adjudicated against DDA in a previous judgment and order of a co-ordinate Bench of this Court in a related matter.<sup>7</sup> DDA was granted extension by a period of one year to avail the liberty of initiating acquisition proceedings afresh under section 24(2) of the 2013 Act. This marked the culmination of the first round of litigation.

- c) However, on 06<sup>th</sup> March, 2020, the decision in ***Pune Municipal Corporation*** (supra) was overturned by a Constitution Bench of five Hon'ble Judges in ***Indore Development Authority v. Manoharlal and others*** [5-Judge, lapse]<sup>8</sup> holding that land acquisition proceedings lapse only when the twin conditions are met, i.e., non-payment of compensation to the landowners together with failure of the State to take physical possession of the acquired lands. Leveraging this, Government of NCT of Delhi (first appellant herein) ("GNCTD", hereafter) approached this Court through a SLP<sup>9</sup> (the lead matter) wherein M/s BSK Realtors LLP and DDA were impleaded as the first and second respondents, respectively. It was contended on behalf of GNCTD that the judgment and order dated 11<sup>th</sup> January, 2016 rendered by the High Court ought to be reconsidered in view of ***Manoharlal*** [5-Judge, lapse] (supra).
- d) A preliminary objection *qua* the maintainability of the SLP was raised by M/s BSK Realtors LLP. The first contention in line with the doctrine of merger was that the order of the High Court dated 11<sup>th</sup> January, 2016 had merged with the order dated 31<sup>st</sup> August, 2016 of this Court whereby the civil appeal at the instance of DDA was dismissed. Such dismissal, M/s BSK Realtors LLP further contended, was after grant of leave and by a speaking order upon hearing all the parties involved. M/s BSK Realtors LLP also contended that the order dated 11<sup>th</sup> January, 2016, upon its merger with the order dated 31<sup>st</sup> August, 2016, ceased to exist and GNCTD being a party to the

6 Civil Appeal No. 8670/2016

7 Civil Appeal No. 8477/2016 arising out of SLP (Civil) No. 8467/2015

8 [2020] 3 SCR 1 : (2020) 8 SCC 129

9 Diary No. 17623/2021

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civil appeal filed by DDA, the same would disentitle GNCTD from initiating a new round of litigation to have the order dated 11<sup>th</sup> January, 2016 reversed on the specious ground that the decision in *Manoharlal [5-Judge, lapse]* (supra) has been rendered after dismissal of the civil appeal of DDA, overruling the decision in *Pune Municipal Corporation* (supra). Accordingly, it was submitted that the SLP not being maintainable deserved outright dismissal.

- e) Observing that the issue requires deeper examination, a Bench of two Hon'ble Judges, *vide* the said order dated 21<sup>st</sup> July, 2022, directed that the matter be placed before a three-Judge Bench. The relevant portion of the said order is extracted hereunder:

“According to the land-losers, rejection of challenge to the declaration of lapsing at the instance of Authority or State, would dis-entitle the other (i.e., Authority or State) to maintain successive petition against the same judgment; and especially where in the earlier round leave to appeal was granted by this Court and the appeal had been disposed of after hearing all concerned. In other words, the doctrine of merger is being invoked to buttress this preliminary objection.

On the other hand, Ms. Aishwarya Bhati, learned Additional Solicitor General is relying on the observations/dictum of the Constitution Bench of this Court in *Indore Development Authority vs. Manoharlal & Ors.* reported in (2020) 8 SCC 129 to contend that the effect of the declaration or conclusion recorded therein is to efface all the orders passed in the concerned special leave petition or civil appeal following the decision in *Pune Municipal Corporation & Anr. Harakchand Misirmal Solanki & Ors.* reported in 2014 (3) SCC 183 — which has been expressly overruled and as noted in paragraph 365 of the reported decision. (Indore Development Authority).

It is urged that the effect of such overruling is to efface all the orders, including passed by this Court relying on *Pune Municipal Corporation* (Supra).

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[...]

Suffice it to observe that these matters require deeper examination, for which the same need to be placed before the three Judge Bench for hearing on 17.08.2022.”

(underlining ours, for emphasis)

10. As observed above, it is by virtue of this order that we now have the occasion to decide the issue raised by parties on both the sides.

### C. JUDICIAL TRAJECTORY

11. Having noticed the facts in the lead matter, we must at this stage acknowledge the predicament of being faced with a peculiar dusty situation where we are tasked not only to clear our path to adjudicate a similar issue on separate fronts but also to ensure that the law on this matter settles the dust so raised. This exercise would necessitate harmonising the different routes that we are bound to traverse to reach the same destination. Hence, notwithstanding the expense of reiterating the foregoing, it is imperative to navigate the broader judicial trajectory that has brought us to the current stage.
  - a) Relying upon the decision of this Court in ***Pune Municipal Corporation*** (supra) and similar line of decisions, the High Court *vide* various judgments and orders, allowed writ petitions filed by the several affected landowners (“landowners”, hereafter).
  - b) Discontented, the aggrieved authorities [being the respondents in the writ petitions including DDA, GNCTD, Land Acquisition Collector (“LAC”, hereafter), and Land & Building Department (“L&B”, hereafter)] carried such judgments and orders independently by way of their respective SLPs impleading the other, however, as a co-respondent. This triggered the first round of litigation (“first round”, hereafter) yielding diverse outcomes which are categorized as follows: first, in some cases, leave was granted but the civil appeals were subsequently dismissed (or allowed, in handful of cases); second, in some cases, leave was not granted and the SLPs were dismissed *in limine*; and third, where SLPs/civil appeals are still pending adjudication.
  - c) Dismissal of the civil appeals/SLPs brought about a quietus. However, in the light of change in law consequent to the decision

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in [\*Manoharlal\*](#) [5-Judge, *lapse*] (supra), such of the authorities (DDA, GNCTD, LAC, and L&B) who had not earlier challenged the judgments and orders of the High Court declaring land acquisition proceedings as lapsed, approached this Court by way of SLPs/Miscellaneous Applications (“M.A.s”, hereafter)/ Review Petitions. This triggered the second round of litigation (“second round”, hereafter), however, with the status of the aggrieved authorities being transposed. For instance, filing of SLP by GNCTD impleading DDA as the second respondent in the lead matter, as noticed above, whereas GNCTD was the second respondent in the first round initiated by DDA.

- d) Upon the appeals being placed before us, we are entrusted with resolving the issue, or for that matter issues, outlined later in the judgment.
12. Since the authorities (DDA, GNCTD, LAC, and L&B) jointly harbour a shared grievance and individually act as appellants in the ongoing proceedings, they will be collectively denoted as “appellants” hereafter, notwithstanding the transposition of the authorities as parties or their status as respondents in the second round. Insofar as the affected landowners are concerned, they shall be referred to as “landowners” or “aggrieved parties”, as the context would require.

**D. CATEGORIZATION OF CASES**

13. Each of the Civil Appeals/M.A.s before us may necessitate separate directions. We have, therefore, categorised them in six groups based on varied outcomes in the first round of litigation and their respective status in the second round of litigation for ease of reference.
14. A brief overview of the groups we have carved out for the facility of reference is as under:
- a) **Group A** deals with M.A.s filed by the appellants-authorities primarily pleading change in law and seeking recall of the judgments and orders of this Court dismissing the Civil Appeals and/or Review Petitions in the first round.
  - b) **Group B.1** includes cases where Civil Appeals were dismissed in the first round, and now an SLP (now Civil Appeal, leave having been granted by us) is pending before us in the second round.

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- c) Cases categorized under **Group B.2** encompass the following scenarios:
- i. Four cases where the Civil Appeals of the appellants-authorities were allowed in the first round and the SLPs, filed during the pendency of the appeals in the first round, are pending before us in the second round (present batch).
  - ii. One case where the appeal, filed by the appellant-authority subsequent to the SLP pending before us in the present round, was allowed after granting leave.
- d) **Group C.1** covers a case where an SLP was dismissed *in limine* in the first round, and now an SLP (now Civil Appeal, leave having been granted by us) is pending before us in the second round. In this particular case, the land acquisition proceedings would lapse following the test laid down in [\*Manoharlal\* \[5-Judge, lapse\]](#) (supra) as the twin conditions under section 24(2) of the 2013 Act are met [non-payment of compensation to the landowners together with failure of the State to take physical possession of the acquired lands].
- e) **Group C.2** covers a case where an SLP was dismissed *in limine* in the first round, and now an SLP (now Civil Appeal, leave having been granted by us) is pending before us in the second round. In this particular case, land acquisition proceedings would not lapse following the test laid down in [\*Manoharlal\* \[5-Judge, lapse\]](#) (supra) as the twin conditions under section 24(2) of the 2013 Act are not met.
- f) **Group C.3** involves cases where during pendency of the SLP in the first round, the appellants approached this Court with a fresh SLP owing to a change in law. While in some cases both the SLPs (now Civil Appeals) are pending before us in the present batch, in some cases, the other SLP is pending separately and is not part of the present batch. There are also a few cases where there is only one SLP filed and the same is now pending as a Civil Appeal in the present batch after grant of leave.
- g) **Group D** are miscellaneous matters which have been tagged incorrectly with the present batch and they follow separate



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directions. Group D also involves cases where no notice has been issued by this Court till date.

- h) Cases falling under **Group E** generally involve allegations related to subsequent sale transactions by landowners. There are certain cases where this position is admitted. Some cases also include allegations regarding the ownership title of the land in question. Additionally, in a few instances, the appellants claim that the land in question is vested in Gaon Sabha, a fact which the landowners and affected parties have suppressed. These cases require thorough fact-finding, as determined later, and are therefore addressed separately. Cases categorized under Group E may overlap with Groups A to C (excluding Group B.2, which we propose to dismiss as infructuous *infra*). As a result, any directions issued under Group E are intended exclusively for that category alone, and such cases shall be automatically excluded from the purview of Groups A to C. For added clarity, it is stated that all cases falling under Group E are proposed to be remitted to the High Court, regardless of their classification within the aforementioned categories.
- i) We set out hereinbelow in tabular form the cases covered by the aforesaid groups:

GROUP	SUB-GROUPS	DESCRIPTION	TOTAL NUMBER OF CASES
<b>GROUP A</b> (M.A.s)	Not Applicable	M.A.s filed by the appellants-authorities primarily pleading change in law and seeking recall of the judgments and orders of this Court dismissing the Civil Appeals and/or Review Petitions in the first round.	2
<b>GROUP B</b> (Civil Appeal in first round)	<b>Group B.1</b>	Civil Appeal dismissed in the first round; SLP pending in the second round (present batch)	40
	<b>Group B.2</b>	Civil Appeal allowed in the first round; SLP pending in the second round (present batch)	5

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GROUP C (SLP in first round)	Group C.1	SLP dismissed <i>in limine</i> in the first round; SLP pending in the second round (present batch)  • <i>Land acquisition proceedings would lapse following the test laid down in <a href="#">Manoharlal [5-Judge, lapse]</a> (supra) as the twin conditions under section 24(2) of the 2013 Act are met [non-payment of compensation to the landowners together with failure of the State to take physical possession of the acquired lands].</i>	1
	Group C.2	SLP dismissed <i>in limine</i> in the first round; SLP pending in the second round (present batch)  • <i>Land acquisition proceedings would not lapse following the test laid down in <a href="#">Manoharlal [5-Judge, lapse]</a> (supra) as the twin conditions under section 24(2) of the 2013 Act are not met.</i>	1
	Group C.3	SLP from either the first round or both rounds is pending in the present batch  • <i>Land acquisition proceedings would not lapse following the test laid down in <a href="#">Manoharlal [5-Judge, lapse]</a> (supra) as the twin conditions under section 24(2) of the 2013 Act are not met.</i>	16
GROUP D (Miscellaneous matters)	Group D.1	<ul style="list-style-type: none"><li>• Cases filed by landowners;</li><li>• Cases seeking a different relief;</li><li>• Cases where no notice has been issued either on delay or on merits</li></ul>	5
	Group D.2	Cases where no notice has been issued either on delay or on merits	11
TOTAL			81

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<b>GROUP E</b> (Suppression of facts <i>qua</i> subsequent purchaser/title etc.)	Not Applicable	Cases where the landowners are alleged to have committed fraud by suppressing facts regarding them being subsequent purchasers and/or the land being vested in Gaon Sabha	32
<b>Note:</b> Cases categorized under Group E, owing to their distinct facts and circumstances, may overlap with Groups A to C (excluding Group B.2, which we propose to dismiss as infructuous). As a result, any directions issued under Group E are intended exclusively for that category alone, and such cases shall be automatically excluded from the purview of Groups A to C. For added clarity, it is stated that all cases falling under Group E shall be remanded back to the High Court, regardless of their classification within the aforementioned categories.			

A detailed table listing each case along with its respective group has been appended to this order for easy reference.

E. SUBMISSIONS

15. Given the significance of the present exercise, an array of distinguished counsel from both sides — including the learned Attorney General, learned Additional Solicitor General, and other senior counsel — appeared before us. While it may not be necessary for the purpose of disposal of these appeals to record in detail the extensive submissions made at the Bar by them, for the sake of completeness, we propose to provide a concise overview of the arguments presented.
16. Counsel for the appellants prayed for allowing the civil appeals, while advancing the following arguments:

On merger, res judicata, and prospective overruling:

- a) The doctrine of merger is neither a doctrine of constitutional law nor a doctrine having statutory recognition. It is merely a common law doctrine founded on principles of propriety and does not have universal applicability. Even a speaking order dismissing the SLP would not attract the doctrine.
- b) Law declared by the Constitution Bench in [Manoharlal \[5-Judge, lapse\]](#) (supra) applies retrospectively from 01<sup>st</sup> January, 2014. Earlier decision of the previous court shall not operate as *res judicata*, if the law has been altered.

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- c) In the first round, the appellants/authorities were arrayed as respondents merely as a formality, without being adequately heard. As a result, the doctrines of merger or *res judicata* do not apply and the judgment and order issued by this Court in the first round is not binding on these authorities. Such a situation could allow anyone to come forward, get the appeal dismissed, and conclude the *lis* forever, which is an undesirable outcome.
- d) By virtue of principles flowing from Rule 4 read with Rule 33 of Order XLI, Code of Civil Procedure (“CPC” hereafter), this Court possesses ample authority to do complete justice, aligned with principles of justice, equity, and good conscience. The mere fact that a petitioner who filed the SLP in the second round was a party to the first round as a respondent would not warrant the application of the doctrine of *res judicata*.
- e) Decisions rendered in the preceding round of litigation, solely relying on judgments that have since been invalidated and effaced, within a brief timeframe, should not be permitted to result in a miscarriage of justice under the pretext of the doctrine of merger. Each case possesses unique and distinct facts, even if they pertain to a common subject.
- f) Any factual claim involved in the present appeals may be remanded to the High Court to ensure proper adjudication and prevent miscarriage of justice.

On subsequent purchasers contesting acquisition proceedings:

- g) A judgment or decree obtained through fraudulent means is void and non-existent in the eyes of the law and can be contested even in a collateral proceeding.
- h) Purchasers subsequent to the issuance of a Notification under section 4(1) of the 1894 Act lack the entitlement to assert the lapse of acquisition proceedings on any grounds. In cases where landowners engaged in fraudulent activities by entering into subsequent sale transactions with prior knowledge of the Notification under section 4(1) of the 1894 Act, such subsequent purchasers lack entitlement to initiate a case for declaration. They do not acquire any legal rights in the land, as the sale is fundamentally void *ab initio*, thereby disqualifying them from asserting the lapse of acquisition proceedings or claiming the land under the policy.

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- i) Although the Bench of two Hon'ble Judges in [Govt \(NCT\) of Delhi v. Manav Dharam Trust and another](#)<sup>10</sup> had recognised the right of the subsequent purchasers, such decision is no longer good law in view of the same being overruled by a Bench of three Hon'ble Judges in [Shiv Kumar and another v. Union of India and others](#)<sup>11</sup> and such decision having found approval in [Manoharlal \[5-Judge, lapse\]](#) (supra).

On principles of consistency and public interest

- j) The constitutional tenets of consistency, the rule of law, and the principle of "*actus curiae neminem gravabit*" embody the fundamental and foundational principles of justice.
- k) The Government and Public Sector Undertakings, acting in the public interest and with good faith, aim to avoid burdening the court dockets unnecessarily.
- l) However, the appeals at hand present a unique situation not hitherto dealt with by any judicial pronouncement of this Court and bearing in mind the gravamen of the appellants' complaint and the extent of public interest at stake, the Court may not take a view which would throw asunder the developmental works undertaken by the appellants on the acquired lands.
17. Counsel for the landowners and the affected parties urged this Court to dismiss the appeals at the outset, being devoid of merits. The following submissions were advanced by them:

On merger:

- a) In cases where this Court had previously granted leave and dismissed the appeal, the doctrine of merger would apply and the judgment and order of the High Court would stand merged into the judgment and order of this Court. The judgment and order of the High Court cannot thereafter be challenged by any party, as it has ceased to exist. The doctrine applies regardless of whether the appeal has been dismissed through a speaking or a non-speaking order.

10 [\[2017\] 4 SCR 232](#) : (2017) 6 SCC 751

11 [\[2019\] 13 SCR 695](#) : (2019) 10 SCC 229

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- b) Additionally, whether there has been a discussion of facts in the judgment(s) of this Court will be immaterial as it has resulted in a merger with the judgment and order of the High Court where the facts were discussed.

#### On res judicata

- c) The principles of *res judicata* and analogous principles embodied in section 11, CPC and its Explanations clearly apply to the present appeals. Even an erroneous decision, whether on facts or law, would bind the parties. The acquiring authorities (GNCTD, LAP, L&B Department), and the beneficiary (DDA) share a common interest in the acquisition of land for public purpose. When either of the parties litigates, one is deemed to litigate on behalf of all interested parties. Thus, the dismissal of a civil appeal preferred by one of the authorities, would act as *res judicata* against the other authority.
- d) The appellants were granted one-year period to commence fresh acquisition proceedings. With the expiry of this timeframe, the State's right has been closed for all intents and purposes. It cannot now contest this Court's order and assert a reversal of the lapse of acquisition proceedings.

#### On subsequent purchasers contesting acquisition proceedings:

- e) None of the appeals has alleged any form of fraud practised by the affected parties. Legal principles dictate that when fraud is asserted, it must be expressly pleaded in accordance with the provisions of Order VI Rules 2 & 4, CPC. The law does not permit unsubstantiated assertions to be made solely through oral arguments. The appellants have not succeeded in establishing that a subsequent sale transaction occurred with prior knowledge after the Notification under section 4(1) of the 1894 Act. Without evidence of such foresight and dishonest intention, the claim of fraud cannot be substantiated.
- f) The decisions of the High Court in ***Ranjana Bhatia v. Govt. of NCT of Delhi and another***<sup>12</sup> and ***Sparsh Properties Pvt. Ltd. v. Union of India and others***<sup>13</sup> sanctioned subsequent

<sup>12</sup> (2014) SCC OnLine Del 2151

<sup>13</sup> (2014) SCC OnLine Del 6659

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purchasers to pursue a declaration of a right that had already vested in the landowners under the deeming provision of section 24(2) of the 2013 Act. These decisions were given a further seal of approval by the decision of a Bench of two Hon'ble Judges of this Court in Manav Dharam Trust (supra). Therefore, the *change in law* occasioned by its overruling in Shiv Kumar (supra) cannot be utilised as a crutch to claim that subsequent purchasers cannot seek a declaration of lapsing.

- g) In any event, the decision in Shiv Kumar (supra) is not good law and requires reconsideration by a larger Bench of this Court.

**F. ANALYSIS**

18. Having heard the arguments presented by both sides at length on different issues, we propose segmenting our analysis accordingly. The following issues emerge for our consideration:

- a) Whether the dismissal of a civil appeal preferred by one appellant in the first round operates as *res judicata* against the other appellant in the second round before us?
- b) Whether suppression of the first round of litigation by the appellants constitutes a material fact, thereby inviting an outright dismissal of the appeals at the threshold?
- c) Does the doctrine of merger operate as a bar to entertain the civil appeals in the present case?
- d) Whether the previous determination of the rights of subsequent purchasers in an *inter se* dispute precludes the same issue from being reconsidered between the same parties?

**F.1 Res judicata**

19. The first issue we noticed at the start of our analysis stems from the submission pertaining to *res judicata*. Counsel for the landowners, pressing the applicability of the principle of *res judicata* to the present appeals, submitted that the dismissal of a Civil Appeal preferred by one of the appellants in the first round, would act as *res judicata* against the other in subsequent round/s of litigation. The appellants contested the same and submitted that *res judicata* would not apply to the current proceedings.

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20. Would the rule of *res judicata* operate against the co-respondents before the High Court, namely GNCTD and DDA, and preclude us from looking into the merits of the present set of appeals, is the question that we propose to examine and answer now.
21. Nearly a century ago, a Bench of three Hon'ble Judges of the Privy Council in ***Munni Bibi (since deceased) and another v. Tirloki Nath and others***<sup>14</sup> laid down the following three conditions for the application of *res judicata* between co-defendants:
- “(1.) There, must be a conflict of interest between the defendants concerned; (2.) it must be necessary to decide this conflict in order to give the plaintiff the relief he claims; and (3.) the question between the defendants must have been finally decided.”
22. In ***State of Gujarat and others v. M.P. Shah Charitable Trust and others***,<sup>15</sup> a Bench comprising two Hon'ble Judges ruled that the principle of *res judicata* applies only when there has been a directly and substantially disputed issue between the parties, which the court has heard and conclusively resolved. The relevant extract of the decision is extracted hereunder:
- “17. [...] For attracting the rule of *res judicata* between co-defendants — according to the terms in Section 11 of the Civil Procedure Code which provision of course is not, in terms, applicable to proceedings in a writ petition — it is necessary that there should have been some issue directly and substantially in controversy between them which has been heard and finally decided by the court. Same would be the position, where a plea of *res judicata* is sought to be raised between co-respondents in a writ petition, on the general principles of *res judicata*. Since the said basic requirement is not satisfied, the said judgment cannot be treated as *res judicata* between the trust and the Government.

(underlining ours, for emphasis)

<sup>14</sup> AIR 1931 PC 114

<sup>15</sup> [1994] 3 SCR 163 : (1994) 3 SCC 552



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23. In the lead matter before us or for that matter the other appeals, the co-respondents before the High Court, namely, GNCTD and DDA did not have conflicting interests. *Inter se* them, neither was there any disputed issue, nor could have the High Court possibly adjudicated on any such issue. Before this Court too, in the first round, there was no issue on which GNCTD and DDA were at loggerheads. In the light of this, in accordance with the aforementioned legal principle, the applicability of *res judicata* is negated.
24. A brief review of the ruling in [\*Mathura Prasad Bajoo Jaiswal and others v. Dossibai N.B. Jeejeebhoy\*](#)<sup>16</sup> will also guide us to the resolution of the second issue on the applicability of *res judicata*. In the said decision, the first-instance court and the High Court rejected an application seeking fixation of standard rent, holding that the provisions of the Rent Act did not extend to open land, relying upon an earlier decision. However, this Court later overturned the said decision, affirming the applicability of the Rent Act to open land as well. When A filed a fresh application, B opposed it, claiming it was barred by *res judicata*. Dismissing this argument and affirming the application's viability, a Bench of three Hon'ble Judges of this Court observed thus:

"5. But the doctrine of res judicata belongs to the domain of procedure: it cannot be exalted to the status of a legislative direction between the parties so as to determine the question relating to the interpretation of enactment affecting the jurisdiction of a Court finally between them, even though no question of fact or mixed question of law and fact and relating to the right in dispute between the parties has been determined thereby. A decision of a competent Court on a matter in issue may be res judicata in another proceeding between the same parties: the 'matter in issue' may be an issue of fact, an issue of law, or one of mixed law and fact. An issue of fact or an issue of mixed law and fact decided by a competent Court is finally determined between the parties and cannot be re-opened between them in another proceeding. The previous decision on a matter in issue alone is res judicata: the reasons for the decision are

16 [\[1970\] 3 SCR 830](#) : (1970) 1 SCC 613

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not res judicata. A matter in issue between the parties is the right claimed by one party and denied by the other, and the claim of right from its very nature depends upon proof of facts and application of the relevant law thereto. A pure question of law unrelated to facts which give rise to a right, cannot be deemed to be a matter in issue. When it is said that a previous decision is res judicata, it is meant that the right claimed has been adjudicated upon and cannot again be placed in contest between the same parties. A previous decision of a competent Court on facts which are the foundation of the right and the relevant law applicable to the determination of the transaction which is the source of the right is res judicata. A previous decision on a matter in issue is a composite decision: the decision on law cannot be dissociated from the decision on facts on which the right is founded. A decision on an issue of law will be as res judicata in a subsequent proceeding between the same parties, if the cause of action of the subsequent proceeding be the same as in the previous proceeding, but not when the cause of action is different, nor when the law has since the earlier decision been altered by a competent authority, nor when the decision relates to the jurisdiction of the Court to try the earlier proceeding, nor when the earlier decision declares valid a transaction which is prohibited by law.

[...]

10. A question relating to the jurisdiction of a Court cannot be deemed to have been finally determined by an erroneous decision of the Court. If by an erroneous interpretation of the statute the Court holds that it has no jurisdiction, the question would not, in our judgment, operate as res judicata. Similarly, by an erroneous decision if the Court assumes jurisdiction which it does not possess under the statute, the question cannot operate as res judicata between the same parties, whether the cause of action in the subsequent litigation is the same or otherwise.

11. It is true that in determining the application of the rule of res judicata the Court is not concerned with the

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correctness or otherwise of the earlier judgment. The matter in issue, if it is one purely of fact, decided in the earlier proceeding by a competent Court must in a subsequent litigation between the same parties be regarded as finally decided and cannot be reopened. A mixed question of law and fact determined in the earlier proceeding between the same parties may not, for the same reason, be questioned in a subsequent proceeding between the same parties. But, where the decision is on a question of law i.e. the interpretation of a statute, it will be *res judicata* in a subsequent proceeding between the same parties where the cause of action is the same, for the expression 'the matter in issue' in Section 11 of the Code of Civil Procedure means the right litigated between the parties i.e. the facts on which the right is claimed or denied and the law applicable to the determination of that issue. Where, however, the question is one purely of law and it relates to the jurisdiction of the Court or a decision of the Court sanctioning something which is illegal, by resort to the rule of *res judicata* a party affected by the decision will not be precluded from challenging the validity of that order under the rule of *res judicata*, for a rule of procedure cannot supersede the law of the land."

(underlining ours, for emphasis)

25. The law, as we noticed aforesaid, aptly resolves the first issue. *Res judicata*, as a technical legal principle, operates to prevent the same parties from relitigating the same issues that have already been conclusively determined by a court. However, it is crucial to note that the previous decision of this Court in the first round would not operate as *res judicata* to bar a decision on the lead matter and the other appeals; more so, because this rule may not apply hard and fast in situations where larger public interest is at stake. In such cases, a more flexible approach ought to be adopted by courts, recognizing that certain matters transcend individual disputes and have far-reaching public interest implications.

**F.2 Suppression of material facts by appellants**

26. Counsel on behalf of the landowners have contended that the conduct of the appellants disqualifies them from seeking any relief.

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They assert that the appellants filed the present appeals, specifically under Group B.1, without disclosing that civil appeals filed by another appellant/authority against the same impugned order has already been dismissed. Furthermore, this action is deemed as providing an inaccurate declaration under Order XXI Rule 3(2) of the Supreme Court Rules, 2013.

27. Before addressing the aforesaid contention, we may refer to the law laid down in this regard.
28. A Bench of two Hon'ble Judges of this Court in [\*S.J.S. Business Enterprises \(P\) Ltd v. State of Bihar and others\*](#)<sup>17</sup> held that a fact suppressed must be material; that is, if it had not been suppressed, it would have influenced the merits of the case. It was held thus:

“13. As a general rule, suppression of a material fact by a litigant disqualifies such litigant from obtaining any relief. This rule has been evolved out of the need of the courts to deter a litigant from abusing the process of court by deceiving it. But the suppressed fact must be a material one in the sense that had it not been suppressed it would have had an effect on the merits of the case. It must be a matter which was material for the consideration of the court, whatever view the court may have taken [...]

14. Assuming that the explanation given by the appellant that the suit had been filed by one of the Directors of the Company without the knowledge of the Director who almost simultaneously approached the High Court under Article 226 is unbelievable (sic), the question still remains whether the filing of the suit can be said to be a fact material to the disposal of the writ petition on merits. We think not. [...] the fact that a suit had already been filed by the appellant was not such a fact the suppression of which could have affected the final disposal of the writ petition on merits.”

29. Further, a Bench of two Hon'ble Judges of this Court in [\*Arunima Baruah v. Union of India and others\*](#)<sup>18</sup> following the aforesaid dictum, held thus:

17 [\[2004\] 3 SCR 56](#) : (2004) 7 SCC 166

18 [\[2007\] 5 SCR 904](#) : (2007) 6 SCC 120

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“12. It is trite law that so as to enable the court to refuse to exercise its discretionary jurisdiction suppression must be of material fact. What would be a material fact, suppression whereof would disentitle the appellant to obtain a discretionary relief, would depend upon the facts and circumstances of each case. Material fact would mean material for the purpose of determination of the lis, the logical corollary whereof would be that whether the same was material for grant or denial of the relief. If the fact suppressed is not material for determination of the lis between the parties, the court may not refuse to exercise its discretionary jurisdiction. It is also trite that a person invoking the discretionary jurisdiction of the court cannot be allowed to approach it with a pair of dirty hands. But even if the said dirt is removed and the hands become clean, whether the relief would still be denied is the question.”

30. Law is well settled that the fact suppressed must be material in the sense that it would have an effect on the merits of the case. The concept of suppression or non-disclosure of facts transcends mere concealment; it necessitates the deliberate withholding of material facts—those of such critical import that their absence would render any decision unjust. Material facts, in this context, refer to those facts that possess the potential to significantly influence the decision-making process or alter its trajectory. This principle is not intended to arm one party with a weapon of technicality over its adversary but rather serves as a crucial safeguard against the abuse of the judicial process.
31. Nevertheless, we have carefully considered the orders issued during the first round of litigation, which are alleged to have been suppressed. Despite reviewing these orders, we find no compelling reason to dismiss the appeals based solely on the prior dismissal of appeals filed by some other appellant/authority.

***F.3 Merger***

32. Extensive arguments have been advanced by the parties on the aspect of applicability/non-applicability of the doctrine of merger, either by relying upon or distinguishing the decision in [\*Kunhayammed and\*](#)

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others. V. State of Kerala and another,<sup>19</sup> rendered by a Bench of three Hon'ble Judges of this Court. For the purpose of a decision on these appeals *qua* cases under Groups A and B.1, we do not consider it necessary to opine either way.

33. However, in the light of the settled propositions on the doctrine of merger and the rule of *stare decisis*, we respectfully concur with Kunhayammed (supra) and the decisions that have followed the same. We also take notice of the exception carved out by this Court in Kunhayammed (supra), to the effect that the doctrine of merger is not of universal or unlimited application and that the nature of jurisdiction exercised by the superior forum and the content or subject matter of challenge laid or which could have been laid shall have to be kept in view. The exception, in our considered opinion, that has been carved out in Kunhayammed (supra), will only be permissible in the rarest of rare cases and such a deviation can be invoked sparingly only. We, however, hasten to add that among such exceptions, the extraordinary constitutional powers vested in this Court under Article 142 of the Constitution of India, which is to be exercised with a view to do complete justice between the parties, remains unaffected and being an unfettered power, shall always be deemed to be preserved as an exception to the doctrine of merger and the rule of *stare decisis*.
34. We may now at this stage look back to the Preface of this order where we have encapsulated our predicament to not only uphold the law but also to ensure its consistent application. It is our duty to enable consistency, clarity and coherence and strike a delicate balance through harmonious resolutions regardless of the crisis, chaos and confusion created by inconsistent judicial opinions on section 24(2) of the 2013 Act, making the present batch of *lis a sui generis* dispute.
35. In this regard, it would be worthwhile to notice the conclusions recorded in Manohar Lal [5-Judge, lapse] (supra) and what followed in the aftermath thereof. The conclusions read as follows:

### ***“Conclusions of the Court***

365. Resultantly, the decision rendered in *Pune Municipal Corpn.* Is hereby overruled and all other decisions in which *Pune Municipal Corpn.*<sup>1</sup> has been followed, are also

<sup>19</sup> [2000] Supp. 1 SCR 538 : (2000) 6 SCC 359

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overruled. The decision in *Sree Balaji Nagar Residential Assn.* 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*<sup>5</sup>, 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

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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



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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.”

36. Soon after the decision in [Manoharlal \[5-Judge, lapse\]](#) (supra) was pronounced, applications for recall of the judgment in **Pune Municipal Corporation** (supra) came to be filed. By an order dated 16<sup>th</sup> July, 2020 in **Pune Municipal Corporation v. Harakchand Misirimal Solanki [Recall Order]**,<sup>20</sup> a Bench of three Hon'ble Judges allowed such applications, thereby recalling the judgment in **Pune Municipal Corporation** (supra).
37. The net result of the aforesaid judicial decisions is that the judgment in **Pune Municipal Corporation** (supra) loses its precedential value, having been recalled, although the said decision would be binding *inter partes*. We are informed that applications to recall the order dated 16<sup>th</sup> July, 2020 have since been filed but are yet to be considered. Be that as it may.
38. At this stage, we may advert to the factual scenario of the cases in hand. These cases can be, in a way, further categorized as pre-[Manoharlal \[5-Judge, lapse\]](#) (supra). On the other hand, the cases which fall in Groups C, are where SLPs were dismissed *in limine* in the first round and/or such SLPs are pending in the second round. These cases, given the binding nature of the law laid down in [Manoharlal \[5-Judge, lapse\]](#) (supra), are covered by that decision against the landowners. It is a totally fortuitous and an incidental circumstance that one SLP arising out of the

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same acquisition may have been converted into a civil appeal and dismissed by this Court but another SLP, again arising out of the same acquisition, either might have been dismissed without granting leave or is still pending. The necessary consequence is that one parcel of land stands acquired and vested in the State free from all encumbrances under the 1894 Act whereas another parcel of adjoining land stands released on account of the acquisition having lapsed under section 24(2) of the 2013 Act. It is also quite possible that the parcel of land *qua* which the acquisition is deemed to have lapsed already stands utilized fully or partially for the development of public infrastructure, and on the other hand the parcel of the land which has vested in the State is still lying unutilized as the public project is yet to be completed.

39. This piquant situation created not by an act of State and rather being a consequence of inconsistent judicial pronouncements of this Court, has led to hostile discriminatory treatment to identically placed landowners. If not cured, it will lead to unexplained disparities. Not only this, it would cause a serious crisis and chaos as several projects of paramount public importance like the construction of metro, flyovers, schools, hospitals or other public utilities will have to be halted until the State re-acquires such parcels of land which are compelled to be released on account of acquisition *qua* them having lapsed in the pre-[Manoharlal](#) [5-Judge, lapse] (supra) era. The consequences are extremely grave and would be totally detrimental to public interest.
40. The concept of 'public interest' need not be elaborately explained by us here for the reason that we have succinctly explained the same in our judgment pronounced separately in [Tejpal](#) (supra). There, we have summed up the following elements of 'public interest', which we employ *mutatis mutandis* in this batch of cases also:
- a) While balancing the interest of the public exchequer against that of individuals, there are many other interests at stake, and it might not be possible to undo the acquisitions without causing significant cascading harms and losses to such other interests;
  - b) Since development projects have either begun or most of the acquired lands have already been deployed for essential public projects such as hospitals, schools, expansion of metro, etc., the

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effect of non-condonation of delay would go beyond mere financial loss to the exchequer and would extend to the public at large;

- c) It would be like unscrambling the egg if compensation paid would have to be clawed back or possession taken would have to be reversed;
  - d) In many cases, the development projects might also have to be undone. The reversal of possession of even a small plot lying on projects such as an under-construction metro corridor would be practically impossible;
  - e) These are the cases where rights are vested to the public at large given the public infrastructure that has come up on a large number of acquired lands;
  - f) The fresh acquisition, if so is required to be done by the State, would be at the expense of delaying the construction of critical public infrastructure in our national capital. When balancing public with private interest, the comparative interest on the landowners would be nominal as compared to the public at large; and
  - g) The multiplicity of contradictory judicial opinions on section 24 (2) of the 2013 Act has made the present set of circumstances *sui generis*. The constant flux in the legal position of law has posed significant challenges for the State and its authorities.
41. Having held that the concept of public interest need not be viewed narrowly only on the yardstick of loss to public exchequer and that these are the cases where public at large has acquired interest in the public infrastructures already complete or in process of completion, we are satisfied that if the doctrine of merger is applied mechanically in respect of Groups A and B.1 cases, it will lead to irreversible consequences. We are satisfied that the element of disparity between Groups A and B.1 cases *vis-à-vis* cases falling in Group C is liable to be eliminated and this can only be done by invoking our extraordinary power under Article 142 of the Constitution of India so that we are able to do complete justice between the expropriated landowners, the State and its developing agencies and most importantly the public in general who has acquired a vested right in the public infrastructure projects. We will do so through the operative part of this order.

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### **F.4 Allegations of fraud committed by landowners**

42. As stated aforesaid, Group E cases deal with allegations regarding fraud by landowners by suppressing subsequent sale transactions, ownership title disputes, etc.
43. The appellants contended that the landowners and affected parties deliberately concealed crucial facts from the High Court, including details about previous legal disputes and subsequent sale transactions. Such concealment constitutes fraud, and as a result, the landowners and affected parties should not be permitted to benefit from their own deceptive actions.
44. It is settled law that after the Notification under section 4(1) of the 1894 Act is published, any encumbrance created by the owner does not bind the State. In such a scenario, a *bona fide* purchaser of land for value does not acquire any right, title or interest in the land, and he is only entitled to receive compensation if not objected to by the landowner/transferor. Therefore, transfer of land in respect of which acquisition proceedings had been initiated, after issuance of Notification under section 4(1) of the 1894 Act, is *void* and a subsequent purchaser cannot challenge the validity of the notification or the irregularity in taking possession of the land.
45. We may also refer to the Delhi Lands (Restrictions on Transfers) Act, 1972 (“1972 Act”, hereafter) which imposes certain restrictions on transfer of lands which have been acquired. Section 3 prohibits the transfer of any land acquired by the Central Government under the 1894 Act. Section 4 mandates obtaining prior permission from the competent authority for transferring any land intended for acquisition, following a declaration by the Central Government under section 6 of the 1894 Act. Section 5 requires the transferor of a land mentioned in a Notification under section 4(1) to submit a written application to the competent authority. The structure of the 1972 Act clearly indicates that any subsequent sale of the specified land without prior permission from the competent authority is not allowed, and if such sale is done through concealment, it amounts to fraud.
46. The law with respect to “*who*” can invoke section 24(2) of the 2013 Act has been well settled after the decision of this Court in [Shiv Kumar](#) (supra) wherein it was held that subsequent purchasers do

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not have the locus to contest the acquisition and/or claim lapse of the acquisition proceedings. This decision has expressly overruled the previous decision of this Court in [Manav Dharam Trust](#) (supra) by recognizing the statutory intention behind the 2013 Act, which sought to benefit owners of lands who purchased the lands before the Notification under section 4(1) of the 1894 Act but not for the benefit of those who have purchased the lands after vesting of lands with the State. The relevant paragraphs of the decision are extracted hereunder:

“21. Thus, under the provisions of Section 24 of the 2013 Act, challenge to acquisition proceeding of the taking over of possession under the 1894 Act cannot be made, based on a void transaction nor declaration can be sought under Section 24(2) by such incumbents to obtain the land. The declaration that acquisition has lapsed under the 2013 Act is to get the property back whereas, the transaction once void, is always a void transaction, as no title can be acquired in the land as such no such declaration can be sought. It would not be legal, just and equitable to give the land back to purchaser as land was not capable of being sold which was in process of acquisition under the 1894 Act. The 2013 Act does not confer any right on purchaser whose sale is ab initio void. Such void transactions are not validated under the 2013 Act. No rights are conferred by the provisions contained in the 2013 Act on such a purchaser as against the State.

26. [...] No declaration can be sought by a purchaser under Section 24 that acquisition has lapsed, effect of which would be to get back the land. They cannot seek declaration that acquisition made under the 1894 Act has lapsed by the challenge to the proceedings of taking possession under the 1894 Act. Such right was not available after the purchase in 2000 and no such right has been provided to the purchasers under the 2013 Act also. Granting a right to question acquisition would be against the public policy and the law which prohibits such transactions; it cannot be given effect to under the guise of subsequent legislation containing similar provisions.

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Subsequent legislation does not confer any new right to a person based on such void transaction; instead, it includes a provision prohibiting such transactions without permission of the Collector as provided in Section 11(4).

28. We hold that Division Bench in [Manav Dharam Trust](#) does not lay down the law correctly. Given the several binding precedents which are available and the provisions of the 2013 Act, we cannot follow the decision in [Manav Dharam Trust](#) [...].”

47. Counsel representing the landowners have contested the correctness of the decision in [Shiv Kumar](#) (supra) and urged this Court to refer it to a larger Bench for reconsideration. This was a contention raised in desperation overlooking that [Shiv Kumar](#) (supra) has been approved by the Constitution Bench in [Manoharlal \[5-Judge, lapse\]](#) (supra). We are, thus, not impressed by the aforesaid contention and reiterate that [Shiv Kumar](#) (supra) represents the correct exposition of law.
48. Coming to the specifics of each case *qua* subsequent purchasers or disputes regarding the title of the subject lands, we have already clarified the scope of our inquiry in [Tejpal](#) (supra). At the expense of reiterating, as far as the concealment of material facts regarding subsequent sale transactions, earlier round of litigations etc. are concerned, it is noted that the landowners and affected parties are under no obligation to either confirm or deny the allegations levelled against them. Nor have we directed the appellants to furnish original records or documents to substantiate their claim of concealment and suppression of material facts. Engaging in a factual inquiry at such an advanced stage of the legal process, especially without providing adequate opportunities to all parties, may not be fair. The cases listed in Group E involve complex questions of fact and we being the Court of the last resort, ought not to be involved in such elaborate fact-finding exercise. We, therefore, deem it appropriate to remit these cases to the High Court for proper adjudication on points of law as well as facts.

### G. CONCLUSION

49. The following conclusion has been reached regarding each category of cases outlined at the beginning:

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- a) So far as the cases falling under **GROUP A** and **B.1** are concerned (for which we have already condoned delay and have granted leave through para 1 and 2 of this judgment), we hold that, owing to the exceptional and unprecedented situation having arisen for the reasons already discussed elaborately, we do not deem it necessary to draw any distinction among the cases classified under Group A and B.1 *vis-à-vis* cases falling in Group C. Consequently, taking an overall view of the matter and upon due consideration of the principles of uniformity, consistency, and public interest involved, we exercise the jurisdiction conferred upon this Court by Article 142 of the Constitution and issue the following directions in each of the cases that have been dealt with by this judgment and classified under Groups A and B.1:
- i. 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 01<sup>st</sup> August, 2024 whereupon compensation to the affected landowners may be paid in accordance with law, failing which consequences, also as per law, shall follow;
  - ii. 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;
  - iii. 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 the 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;

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- iv. 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 a Preliminary Notification within the meaning of section 11 of the 2013 Act, and shall be deemed to have been published as on 01<sup>st</sup> January, 2014
- v. 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;
- vi. 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;
- vii. 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;
- viii. 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 01<sup>st</sup> 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.;
- ix. 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



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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;

- x. 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
  - xi. The expropriated landowners shall be entitled to seek reference for enhancement of compensation in accordance with Chapter-VIII of the 2013 Act.
- b) The SLPs under **GROUP B.2** have been rendered infructuous as the appeals carried by the appellant-authorities have already been allowed by this Court and the impugned judgment and order of the High Court have been set aside after applying the law laid down in [\*Manoharlal \[5-Judge, lapse\]\*](#) (supra). No question of filing a subsequent SLP against the same judgment and order by the appellants, therefore, arises. These SLPs are accordingly dismissed at their threshold.
- c) In one case under **GROUP C.1 (GNCTD VS. RAMPHAL SINGH [Diary No.- 19697/2022])**, it is an admitted position of the appellant/GNCTD that neither possession has been taken nor compensation granted. With the twin conditions under section 24(2) of the 2013 Act having been met, applying the principles laid down in [\*Manoharlal \[5-Judge, lapse\]\*](#) (supra) is, therefore, unwarranted in this context. Thus, keeping in mind the principles of public interest that we have carved out earlier, it is imperative to invoke our jurisdiction under Article 142 of the Constitution and subject this case to the eleven directions previously issued for Groups A and B.1.
- d) With respect to the SLPs (now civil appeals, leave having been granted by us) which fall in **GROUP C.2** and **C.3**, the same are directed against one or the other judgment of the High Court where acquisition has been declared to have lapsed under section 24 (2) of the 2013 Act. While doing so, the High Court has followed the decision of this Court in ***Pune Municipal Corporation*** (supra) case or such other decisions,

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all of which have since been overruled by the Constitution Bench in *Manoharlal [5-Judge, lapse]* (supra). Since the twin conditions under section 24(2) of the 2013 Act have not been met in these Civil Appeals, the land acquisition proceedings would not lapse following the test laid down in *Manoharlal [5-Judge, lapse]* (supra). These Civil Appeals are accordingly allowed, the impugned judgments of the High Court in each case are set aside and the acquisition of the landowners' lands under the 1894 Act is accordingly upheld. This will, however, not preclude the landowners from recovery of the compensation amount, if already not paid or to the extent it is not paid, along with interest and other statutory benefits under the 1894 Act. Similarly, they shall be at liberty to seek reference under section 18 of the 1894 Act in accordance with law. The GNCTD and its authorities are directed to take physical possession of the lands falling under Group C.2 and C.3 forthwith, if not already taken and continue uninterruptedly to complete the public infrastructure projects. We may clarify that this will not prevent cases within this Group, if any, from being remanded to the High Court for the specific purpose of conducting a factual inquiry regarding fraud, as we intend to do in the subsequent sub-paragraph.

- e) For the reasons given in Section F.4 (*Allegations of fraud committed by landowners*), the cases listed in **GROUP E** are hereby remitted to the High Court for adjudication of the facts as well as the law as a fact-finding inquiry is necessary to ascertain the rightful claimant for receiving the compensation. We hereby set aside the orders of the High Court that were under challenge in the Civil Appeals/M.A.s and revive the relevant writ petitions which shall stand restored on the file of the High Court for this limited purpose on remand being ordered. We issue the following directions:
- i. The Chief Justice of the High Court is requested to constitute a dedicated bench to decide these writ petitions in the manner indicated hereafter. The nominated bench will accord an opportunity to the landowners/subsequent purchasers, the GNCTD, and the DDA to submit additional documents on affidavits whereupon such bench shall embark on an exercise to decide who between the

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landowner(s) and the subsequent purchaser(s) is the rightful claimant to receive compensation. The nominated bench will have the authority to obtain independent fact-finding enquiry reports, if deemed necessary. The inquiry could include determination as to whether after the Notification under section 4(1) of the 1894 Act, any transfer could have been effected and even if effected, whether such transfer is permitted by any law. Once compensation is determined, the relevant authority in the land acquisition department shall deposit the same with the reference court. The reference court shall then invest the deposited amount in a short-term interest-bearing fixed deposit account with a nationalized bank, ensuring its periodical renewal until the relevant writ petition is disposed of by the nominated bench. Release of the invested amount together with accrued interest to the rightful claimant will be contingent upon the decision of the High Court.

- ii. The question as to whether the cases in that group will be eventually covered by the directions issued by us in exercise of power under Article 142 of the Constitution of India or whether such case will be covered in terms of the direction contained in sub-paras above, will depend upon and will be decided by the High Court in accordance with law based upon facts and circumstances of each case.

50. The above directions however shall not apply to the following miscellaneous matters **(GROUP D)** which have been incorrectly tagged in the present batch. While four of the cases in **Group D.1** have been filed by the landowners seeking relief different from the relief claimed in the appeals filed by the appellants, in one case the DDA is before us by way of an M.A. These cases shall be listed separately in the week commencing 22<sup>nd</sup> July, 2024. The details of the cases are as follows:

- a) **DELHI ADMINISTRATION AND ORS. VS. M/S AUTO GRIT (PETROL PUMP) AND ORS. [C.A. No. 542/2016]**: The relief sought in this Civil Appeal is particularly regarding the release of the land under section 48 of the 1894 Act.

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- b) **RAJENDER SINGH CHAUHAN VS. TARUN KAPOOR AND ORS. [CONMT.PET. (C) NO. 189/2019 IN C.A. NO. 2690/2017]:**  
In this Contempt Petition, the contempt petitioner-landowner, dissatisfied with the DDA's lack of action in initiating new acquisition proceedings pursuant to the dismissal of the Civil Appeal *vide* judgment and order dated 13<sup>th</sup> February, 2017, has filed a contempt petition.
- c) **DDA VS. RAJINDER SINGH CHAUHAN AND ORS. [M.A. No. 806/2020]:** This M.A. is connected to the case that led to the contempt petition mentioned earlier in point (ii). In this M.A., the DDA is seeking a modification of the judgment and orders dated 13<sup>th</sup> February, 2017 and 31<sup>st</sup> July, 2019, whereby the Civil Appeal and the Review Petition preferred by the DDA were dismissed, respectively. Although this M.A. could have been decided based on the directions we have issued for Group D, since it is connected to the aforementioned contempt petition and no notice either on delay or on merits has been issued in this M.A. so far, we deem it appropriate to separate it and have it heard independently along with the aforesaid contempt petition.
- d) **GNCTD VS. SUSHIL KUMAR GUPTA [M.A. No. 1888/2023]:**  
This M.A. has been filed by the landowner seeking recall of the judgment and order dated 10<sup>th</sup> February, 2023 passed by this Court whereby the Civil Appeal preferred by the GNCTD against the judgment and order of the High Court was allowed in view of [\*Manoharlal\*](#) [5-Judge, *lapse*] (supra).
- e) **LAC VS. VIVEK & ORS. [M.A. ...DIARY NO. 32991/2023]:**  
This M.A. has been filed by the landowner seeking recall of the judgment and order dated 9<sup>th</sup> February, 2023 passed by a Bench of three Hon'ble Judges of this Court whereby the Civil Appeal preferred by the LAC was partly allowed and the judgment and order of the High Court was set aside and the same was remanded back to the High Court for a fresh determination. It is imperative to note that no notice has been issued, either on delay or on merits.

51. **Group D.2** involves the following cases where no notice has been issued so far by this Court either on delay or on merits. It

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is, therefore, necessary in the interest of justice to de-tag these cases for separate listing in the week commencing 22<sup>nd</sup> July, 2024:

- a) **DDA VS. GITA SABHARWAL** [DIARY NO. 21746/2022];
- b) **DDA VS. NARENDAR KUMAR** [DIARY NO. 674/2023, MA];
- c) **DDA VS. BAL KISHAN** [DIARY NO. 5711/2023, MA];
- d) **DDA VS. ISHAAQ** [DIARY NO. 1713/2023, MA];
- e) **DDA VS. ABHISHEK JAIN** [DIARY NO. 40951/2022, MA];
- f) **DDA VS. M/S FLASH PROPERTIES PVT LTD** [DIARY NO. 42177/2022, MA];
- g) **DDA VS. SHAKEEL AHMED** [DIARY NO. 3577/2023, MA];
- h) **DDA VS. SURESH KUMAR NANGIA** [DIARY NO. 39901/2022, MA];
- i) **DDA VS. PHIRE RAM AND ORS.** [MA 278/2023];
- j) **DDA VS. MADAN MOHAN SINGH** [DIARY NO. 39898/2022, MA]; and
- k) **DDA VS. RAJINDER SINGH DHANKAR** [DIARY NO. 1215/2023, MA].

52. The aforementioned civil appeals and miscellaneous applications are disposed of on the above terms. Pending applications, if any, shall stand disposed of. No order as to costs.
53. Before parting, we deem it appropriate to provide a cautionary note that the limited fact-finding conducted by this Court may not be entirely accurate due to the complex nature of cases involving subsequent sale transactions, earlier rounds of litigation, land titles, and status of compensation and/or possession. We accordingly grant liberty to the parties to approach the High Court if any disputes arise in future or if further clarification is required, which will decide these cases based on the principles outlined above, taking into account the facts and, if necessary, the merits of the case.
54. It is also needless to clarify that the High Court shall proceed to decide the cases remitted to it as expeditiously as possible, but subject to its convenience, in accordance with law.

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ANNEXURE 1  
CATEGORY OF CASES IN THE PRESENT BATCH

GROUP	SUB-GROUPS	DESCRIPTION	CASE TITLE AND NUMBER	TOTAL NUMBER OF CASES
GROUP A (M.A.s)	Not Applicable	M.A.s filed by the appellants-authorities primarily pleading change in law and seeking recall of the judgments and orders of this Court dismissing the Civil Appeals and/or Review Petitions in the first round.	1. DDA VS. PHIRE RAM [MA 277/2023] 2. DDA VS. JAI PRAKASH GUPTA [MA 346/2023]	2
GROUP B (Civil Appeal in first round)	Group B.1	Civil Appeal dismissed in the first round; SLP pending in the second round (present batch)	1. GNCTD & ANR VS. M/S BSK REALTORS LLP & ANR. [DIARY NO. 17623/2021] 2. LAC VS. MADAN MOHAN SINGH & ORS. [DIARY NO. 32072/2022] 3. LBD VS. DEEKSHA SURI & ORS. [DIARY NO. 18130/2021] 4. GNCTD & ANR VS. LATINDER SINGH & ORS. [DIARY NO. 19132/2021] 5. GNCTD & ANR VS. ANJU SHARMA & ORS. [DIARY NO.10132/2022] 6. GNCTD VS. ANIL MONGA & ORS. [DIARY NO. 15707/2022] 7. LBD VS. JYOTSNA SURI & ORS. [DIARY NO. 15710/2022] 8. GNCTD VS. KUSHAM JAIN & ANR. [SLP(C) NO. 19012/2022] 9. GNCTD VS. RS RETAIL STORES Pvt Ltd & ORS. [DIARY NO. 25834/2022] 10. DDA VS. CHANDRALEKHA SOLOMON & ORS. [SLP(C) 30127/2015] 11. GNCTD VS. MATRIX INVESTMENT PVT. LTD. & ANR. [SLP(C) NO.11394/2016] 12. LBD VS. VIKRAM MADHOK & ORS [DIARY NO. 22127/2021] 13. GNCTD VS. BODE RAM & ORS. [DIARY NO. 28216/2021] 14. GNCTD VS. BAKSHI RAM AND SONS (HUF) & ORS. [DIARY NO. 3566/2022] 15. GNCTD VS. M/S SANTOSH INFRATECH PRIVATE LTD. & ORS. [DIARY NO. 8414/2022] 16. GNCTD VS. EMMSONS INTERNATIONAL LTD. & ORS. [DIARY NO. 8556/2022]	40

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			<p>17. GNCTD VS. SUDARSHAN KAPOOR &amp; ORS. [DIARY NO. 10221/2022]</p> <p>18. GNCTD VS. M/S BGNS INFRATECH PVT LTD. COMPANY &amp; ORS. [DIARY NO. 10222/2022]</p> <p>19. GNCTD VS. BHIM SINGH &amp; ORS. [DIARY NO. 10474/2022]</p> <p>20. GNCTD VS. ISHWAR SINGH &amp; ORS. [DIARY NO. 10475/2022]</p> <p>21. GNCTD VS. ISHAAQ &amp; ORS. [DIARY NO. 15577/2022]</p> <p>22. LBD VS. SIRI BHAGWAN &amp; ORS. [DIARY NO. 15940/2022]</p> <p>23. GNCTD VS. HIMMAT SINGH &amp; ORS [DIARY NO. 16176/2022]</p> <p>24. GNCTD VS. ALKA LUTHRA &amp; ORS. [DIARY NO. 27994/2022]</p> <p>25. LBD VS. M/S PRASHID ESTATE PVT LTD &amp; ORS. [SLP (C) NO. 28847/2015]</p> <p>26. GNCTD VS. SH. ALIMUDDIN &amp; ANR. [SLP (C) 26525/2015]</p> <p>27. GNCTD VS. LALIT JAIN &amp; ORS. [SLP (C) 17207/2017]</p> <p>28. DDA VS. SURENDER SINGH &amp; ANR. [SLP (C) 592-593/2020]</p> <p>29. GNCTD VS. GEETA GULATI AND ORS. [DIARY NO. 22388/2021]</p> <p>30. LBD &amp; ANR. VS. ISHWAR SINGH AND ORS. [DIARY NO. 22391/2021]</p> <p>31. LBD &amp; ANR. VS. PRAVEEN KUMAR JAIN &amp; ANR. [DIARY NO. 23612/2021]</p> <p>32. LBD &amp; ANR. VS. BRAHAM SINGH [DIARY NO. 24447/2021]</p> <p>33. GNCTD VS. AMAN SINGH &amp; ORS. [DIARY NO. 28971/2021]</p> <p>34. LAC VS. M/S FLASH PROPERTIES PVT LTD [DIARY NO. 2404/2022]</p> <p>35. GNCTD VS. GULBIR SINGH VERMA &amp; ORS. [DIARY NO. 4937/2022]</p> <p>36. DDA VS. HARBANS KAUR &amp; ORS. [DIARY NO. 10090/2022]</p> <p>37. LBD VS. SUKHBIR SINGH [DIARY NO. 15722/2022]</p> <p>38. GNCTD VS. KRISHNA RAJAURIA [DIARY NO. 18873/2022]</p> <p>39. DDA VS. TEJPAL &amp; ORS. [DIARY NO. 20255/2022]</p> <p>40. DDA VS. TANVIR BEGUM &amp; ORS. [DIARY NO. 21620/2022]</p>	
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	<b>Group B.2</b>	Civil Appeal allowed in the first round; SLP pending in the second round (present batch)	<ol style="list-style-type: none"> <li>1. GNCTD VS. BHIM SAIN GOEL &amp; ORS. [DIARY NO. 18142/2022]</li> <li>2. LBD AND ORS VS. SATISH KUMAR [DIARY NO. 19142/2022]</li> <li>3. LBD AND ANR VS. BHAGWAT SINGH &amp; ORS [DIARY NO. 19687/2022]</li> <li>4. DDA VS. OMBIR SINGH &amp; ORS. [DIARY NO. 20104/2022]</li> <li>5. DDA VS. MEHAR CHAND SHARMA &amp; ORS. [DIARY NO. 20203/2022]</li> </ol>	<b>5</b>
<b>GROUP C</b> (SLP in first round)	<b>Group C.1</b>	<p>SLP dismissed <i>in limine</i> in the first round; SLP pending in the second round (present batch)</p> <ul style="list-style-type: none"> <li>• <i>Land acquisition proceedings would lapse following the test laid down in <a href="#">Manoharlal [5-Judge, lapse]</a> (supra) as the twin conditions under section 24(2) of the 2013 Act are met [non-payment of compensation to the landowners together with failure of the State to take physical possession of the acquired lands].</i></li> </ul>	<ol style="list-style-type: none"> <li>1. GNCTD VS. RAMPHAL SINGH &amp; ORS. [DIARY NO. 19697/2022]</li> </ol>	<b>1</b>
	<b>Group C.2</b>	<p>SLP dismissed <i>in limine</i> in the first round; SLP pending in the second round (present batch)</p> <ul style="list-style-type: none"> <li>• <i>Land acquisition proceedings would not lapse following the test laid down in <a href="#">Manoharlal [5-Judge, lapse]</a> (supra) as the twin conditions under section 24(2) of the 2013 Act are not met.</i></li> </ul>	<ol style="list-style-type: none"> <li>1. GNCTD &amp; ANR. VS. ANJU LATA &amp; ANR. [DIARY NO. 19691/2022]</li> </ol>	<b>1</b>



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	<b>Group C.3</b>	<p>SLP from either the first round or both rounds is pending in the present batch</p> <ul style="list-style-type: none"> <li>Land acquisition proceedings would not lapse following the test laid down in <i>Manoharlal</i> [5-Judge, lapse] (supra) as the twin conditions under section 24(2) of the 2013 Act are not met.</li> </ul>	<ol style="list-style-type: none"> <li>DDA VS. GYAN CHAND &amp; ORS. [DIARY NO. 32629/2022]</li> <li>DDA VICE CHAIRMAN VS. SHANTI INDIA PVT LTD &amp; ORS. [SLP(C) NO. 7215/2017]</li> <li>LAC VS. SEWARAM &amp; ORS. [DIARY NO. 9628/2021]</li> <li>GNCTD VS. GITA SABHARWAL &amp; ANR. [DIARY NO. 29469/2021]</li> <li>VS. GYAN CHAND &amp; ORS. [DIARY NO. 3812/2022]</li> <li>DDA VS. SIMLA DEVI &amp; ORS. [DIARY NO. 20229/2022]</li> <li>DDA VS. YOG RAJ &amp; ORS. [DIARY NO. 20555/2022]</li> <li>DDA VS. SEWA RAM &amp; ORS. [DIARY NO. 33077/2022]</li> <li>GNCTD &amp; ANR. VS. ISHAQ (DEAD) &amp; ORS. [DIARY NO. 6981/2021]</li> <li>DDA VS. GOPAL SINGH &amp; ORS. [DIARY NO. 18366/2022]</li> <li>GNCTD &amp; ANR. VS. MADHU &amp; ANR. [DIARY NO. 19685/2022]</li> <li>LBD &amp; ANR. VS. NARENDER SINGH &amp; ORS. [DIARY NO. 19689/2022]</li> <li>GNCTD VS. SURESH KUMAR &amp; ORS. [DIARY NO. 19693/2022]</li> <li>GNCTD VS. GHANSHYAM DASS &amp; ORS. [DIARY NO. 19694/2022]</li> <li>GNCTD VS. JYOTI DEVI &amp; ORS. [DIARY NO. 19724/2022]</li> <li>DDA VS. PARSHOTAM JOSHI &amp; ORS. [DIARY NO. 20260/2022]</li> </ol>	<b>16</b>
<b>GROUP D</b> (Miscellaneous matters)	<b>Group D.1</b>	<ul style="list-style-type: none"> <li>Cases filed by landowners;</li> <li>Cases seeking a different relief</li> </ul>	<ol style="list-style-type: none"> <li>DELHI ADMINISTRATION &amp; ORS. VS. M/S AUTO GRIT (PETROL PUMP) &amp; ORS. [CA 542/2016]</li> <li>RAJENDER SINGH CHAUHAN VS. TARUN KAPOOR &amp; ORS. [CONMT.PET. (C) NO.189/2019 IN C.A. NO. 2690/2017]</li> <li>DDA VS. RAJINDER SINGH CHAUHAN &amp; ORS. [MA 806/2020]</li> <li>GNCTD VS. SUSHIL KUMAR GUPTA [MA 1888/2023]</li> <li>LAC VS. VIVEK &amp; ORS. [DIARY NO. 32991/2023, MA]</li> </ol>	<b>5</b>

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	Group D.2	Cases where no notice has been issued either on delay or on merits	<div>1. DDA VS. GITA SABHARWAL [DIARY NO. 21746/2022]</div> <div>2. DDA VS. NARENDAR KUMAR [DIARY NO. 674/2023, MA]</div> <div>3. DDA VS. BAL KISHAN [DIARY NO. 5711/2023, MA]</div> <div>4. DDA VS. ISHAAQ [DIARY NO. 1713/2023, MA]</div> <div>5. DDA VS. ABHISHEK JAIN [DIARY NO. 40951/2022, MA]</div> <div>6. DDA VS. M/S FLASH PROPERTIES PVT LTD [DIARY NO. 42177/2022, MA]</div> <div>7. DDA VS. SHAKEEL AHMED [DIARY NO. 3577/2023, MA]</div> <div>8. DDA VS. SURESH KUMAR NANGIA [DIARY NO. 39901/2022, MA]</div> <div>9. DDA VS. PHIRE RAM &amp; ORS. [MA 278/2023]</div> <div>10. DDA VS. MADAN MOHAN SINGH [DIARY NO. 39898/2022, MA]</div> <div>11. DDA VS. RAJINDER SINGH DHANKAR [DIARY NO. 1215/2023, MA]</div>	11
TOTAL				81
GROUP E (Suppression of facts qua subsequent purchaser/ title etc.)	Not Applicable	Cases where the landowners are alleged to have committed fraud by suppressing facts regarding them being subsequent purchasers and/or the land being vested in Gaon Sabha	<div>1. GNCTD &amp; ANR VS. M/S BSK REALTORS LLP &amp; ANR. [DIARY NO. 17623/2021]</div> <div>2. LAC VS. MADAN MOHAN SINGH &amp; ORS. [DIARY NO. 32072/2022]</div> <div>3. LBD VS. DEEKSHA SURI &amp; ORS. [DIARY NO. 18130/2021]</div> <div>4. GNCTD &amp; ANR. VS. ANJU SHARMA &amp; ORS. [DIARY NO.10132/2022]</div> <div>5. GNCTD VS. ANIL MONGA &amp; ORS. [DIARY NO. 15707/2022]</div> <div>6. LBD VS. JYOTSNA SURI &amp; ORS. [DIARY NO. 15710/2022]</div> <div>7. GNCTD VS. RS RETAIL STORES Pvt Ltd &amp; ORS. [DIARY NO. 25834/2022]</div> <div>8. DDA VS. JAI PRAKASH GUPTA [MA 346/2023]</div> <div>9. GNCTD VS. MATRIX INVESTMENT PVT. LTD. &amp; ANR. [SLP(C) NO.11394/2016]</div> <div>10. LBD VS. VIKRAM MADHOK &amp; ORS. [DIARY NO. 22127/2021]</div> <div>11. GNCTD VS. BODE RAM &amp; ORS. [DIARY NO. 28216/2021]</div> <div>12. GNCTD VS. BAKSHI RAM AND SONS (HUF) &amp; ORS. [DIARY NO. 3566/2022]</div>	32

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			<p>13. GNCTD VS. M/S SANTOSH INFRATECH PVT LTD. &amp; ORS. [DIARY NO. 8414/2022]</p> <p>14. GNCTD VS. EMMSONS INTERNATIONAL LTD. &amp; ORS. [DIARY NO. 8556/2022]</p> <p>15. GNCTD VS. SUDARSHAN KAPOOR &amp; ORS. [DIARY NO. 10221/2022]</p> <p>16. GNCTD VS. M/S BGNS INFRATECH PVT LTD. COMPANY &amp; ORS. [DIARY NO. 10222/2022]</p> <p>17. GNCTD VS. ISHAAQ &amp; ORS. [DIARY NO. 15577/2022]</p> <p>18. LBD VS. SIRI BHAGWAN &amp; ORS. [DIARY NO. 15940/2022]</p> <p>19. GNCTD VS. ALKA LUTHRA &amp; ORS. [DIARY NO. 27994/2022]</p> <p>20. GNCTD VS SH. ALIMUDDIN &amp; ANR. [SLP (C) 26525/2015]</p> <p>21. GNCTD VS. LALIT JAIN &amp; ORS. [SLP (C) 17207/2017]</p> <p>22. LAC VS. M/S FLASH PROPERTIES PVT LTD [DIARY NO. 2404/2022]</p> <p>23. LBD VS. SUKHBIR SINGH [DIARY NO. 15722/2022]</p> <p>24. DDA VS. GOPAL SINGH &amp; ORS. [DIARY NO. 18366/2022]</p> <p>25. GNCTD AND ANR VS. MADHU &amp; ANR. [DIARY NO. 19685/2022]</p> <p>26. LBD AND ANR VS. NARENDER SINGH &amp; ORS. [DIARY NO. 19689/2022]</p> <p>27. GNCTD AND ANR VS. ANJU LATA &amp; ANR. [DIARY NO. 19691/2022]</p> <p>28. GNCTD VS. SURESH KUMAR &amp; ORS. [DIARY NO. 19693/2022]</p> <p>29. GNCTD VS. GHANSHYAM DASS &amp; ORS. [DIARY NO. 19694/2022]</p> <p>30. GNCTD VS. JYOTI DEVI &amp; ORS. [DIARY NO. 19724/2022]</p> <p>31. DDA VS. TEJPAL &amp; ORS. [DIARY NO. 20255/2022]</p> <p>32. DDA VS. PARSHOTAM JOSHI &amp; ORS. [DIARY NO. 20260/2022]</p>	
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**Note:** Cases categorized under Group E, owing to their distinct facts and circumstances, may overlap with Groups A to C (excluding Group B.2, which we have dismissed as rendered infructuous). As a result, any directions issued under Group E are intended exclusively for that category alone, and such cases shall be automatically excluded from the purview of Groups A to C. For added clarity, it is stated that all cases falling under Group E shall be remanded back to the High Court, regardless of their classification within the aforementioned categories.

*Result of the case:* Civil Appeals and Miscellaneous applications disposed of.

*<sup>†</sup>Headnotes prepared by: Ankit Gyan*