

SUPREME COURT OF INDIA

Delhi Development Authority

Vs.

Hari Prakash & Ors.

C.A.No.9719 of 2016

(Kurian Joseph and R.F.Nariman,JJ.,)

26.09.2016

JUDGMENT

Kurian Joseph,J.,

SLP(Civil)No.28376 of 2016

1. Leave granted.
2. The appellant is before this Court aggrieved by the declaration that the entire land acquisition proceedings have lapsed in view of the operation of Section 24 (2) of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as "2013 Act").
3. The learned counsel appearing for Delhi Development Authority (DDA), on instruction, fairly concedes that as far as the land measuring 01 bighas 09 biswas belonging to Respondent No. 1 is concerned, the possession has not been taken by the DDA and compensation has not been paid, though the award had been passed as far back as in 2004. In that view of the matter, we see no reason to interfere with the impugned judgment of the High Court.
4. However, the declaration as above and the consequent dismissal of this appeal is without prejudice to the liberty available to the appellant to initiate proceedings afresh for the acquisition of the subject land under the provisions of the 2013 Act.
5. In the peculiar facts and circumstances of this case, the appellant is given a period of one year to exercise its liberty granted under Section 24(2) of the 2013 Act for initiation of the acquisition proceedings afresh.
6. In that view of the matter, the appeal is dismissed. There shall be no order as to costs.