

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2339 OF 2018  
(Arising out of SLP(C)No.30198/2015)

DELHI DEVELOPMENT AUTHORITY

Petitioner(s)

VERSUS

SANJAY MEHTA & ORS.

Respondent(s)

WITH

SLP(C)Nos.20920/2011, 26574-26575/2011 & 28993/2011

AND

C.A.No.2340/2018 @ SLP(C)No.30192/2015,  
C.A.No.2341/2018 @ SLP(C)No.30142/2015,  
C.A.No.2342/2018 @ SLP(C)No.30128/2015,  
C.A.No.2343/2018 @ SLP(C)No.30203/2015,  
C.A.No.2408/2018 @ SLP(C)No.5573/2018 @ CC No.9842/2016,  
C.A.No.4836/2015,  
C.A.No.2344/2018 @ SLP(C)No.22527/2015,  
C.A.No.2351/2018 @ SLP(C)No.4705/2016,  
C.A.No.2352/2018 @ SLP(C)No.38290/2016,  
C.A.No.2381/2018 @ SLP(C)No.9571/2016,  
C.A.No.2382/2018 @ SLP(C)No.15144/2016,  
C.A.No.2383/2018 @ SLP(C)No.15131/2016,  
C.A.No.2384/2018 @ SLP(C)No.15139/2016,  
C.A.No.2385/2018 @ SLP(C)No.16425/2016,  
C.A.No.2386/2018 @ SLP(C)No.15117/2016,  
C.A.No.2387/2018 @ SLP(C)No.15140/2016,  
C.A.No.2388/2018 @ SLP(C)No.9570/2016,  
C.A.No.2389/2018 @ SLP(C)No.15113/2016,  
C.A.No.2391/2018 @ SLP(C)No.16438/2016,

C.A.No.2392/2018 @ SLP(C)No.15119/2016,  
 C.A.No.2393/2018 @ SLP(C)No.15126/2016,  
 C.A.No.2394/2018 @ SLP(C)No.15125/2016,  
 C.A.No.2395/2018 @ SLP(C)No.15118/2016,  
 C.A.No.2396/2018 @ SLP(C)No.15124/2016,  
 C.A.No.2397/2018 @ SLP(C)No.15112/2016,  
 C.A.No.2398/2018 @ SLP(C)No.11824/2016,  
 C.A.No.2399/2018 @ SLP(C)No.15143/2016,  
 C.A.No.2400/2018 @ SLP(C)No.15141/2016,  
 C.A.No.2401/2018 @ SLP(C)No.15142/2016,  
 C.A.No.2353/2018 @ SLP(C)No.17324/2016,  
 C.A.No.2354/2018 @ SLP(C)No.38368/2016,  
 C.A.No.2402/2018 @ SLP(C)No.23846/2016,  
 C.A.No.2355/2018 @ SLP(C)No.23097/2016,  
 C.A.No.2410/2018 @ SLP(C)No.5577/2018 @ D.24901/2017

AND

W.P.(C)No.602/2017

### O R D E R

SLP(C)Nos.20920/2011, 26574-26575/2011, 28993/2011 :

1. No ground for interference is made out in exercise of our jurisdiction under Article 136 of the Constitution of India.
2. The special leave petitions are accordingly dismissed. Pending application, if any, stands disposed of.

C.A.No.2339/2018 @ SLP(C)No.30198/2015,  
C.A.No.2340/2018 @ SLP(C)No.30192/2015,  
C.A.No.2341/2018 @ SLP(C)No.30142/2015,

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C.A.No.2408/2018 @ SLP (C)No.5573/2018 @ CC No.9842/2016,  
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C.A.No.2351/2018 @ SLP(C)No.4705/2016,  
C.A.No.2352/2018 @ SLP(C)No.38290/ 2016,  
C.A.No.2381/2018 @ SLP(C)No.9571/2016,  
C.A.No.2382/2018 @ SLP(C)No.15144/2016,  
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C.A.No.2354/2018 @ SLP(C)No.38368/2016,  
C.A.No.2355/2018 @ SLP(C)No.23097/2016,  
C.A.No.2410/2018 @ SLP(C)No.5577/2018 @ D.24901/2017 :

1. Heard learned counsel for the parties.
2. Delay in filing SLPs and substitution is condoned.
3. Leave granted.
4. Applications for substitution, impleadment and intervention are allowed.
5. These appeals are allowed in view of the judgment of

this Court dated 8<sup>th</sup> February, 2018, in Civil Appeal No.20982/2017, Indore Development Authority Vs. Shailendra (Dead) Through its LRs. & Ors. & batch.

6. In view of the above, the writ petitions filed in these matters in the High Court are dismissed.

7. As a sequel to the appeals being allowed, pending applications stand disposed of.

C.A.No.2385/2018 @ SLP(C)No.16425/2016,  
C.A.No.2389/2018 @ SLP(C)No.15113/2016,  
C.A.No.2391/2018 @ SLP(C)No.16438/2016,  
C.A.No.2394/2018 @ SLP(C)No.15125/2016 &  
C.A.No.2396/2018 @ SLP(C)No.15124/2016 :

1. Heard learned counsel for the parties.

2. Delay in filing SLPs and substitution is condoned.

3. Applications for substitution are allowed.

4. Leave granted.

5. The only submission raised was not to leave out the land out of acquisition. It was contended by learned counsel for the owners that certain land had been left out. However, learned counsel for the appellant has submitted that land which was Samadhi, had been left out from acquisition of land in question after duly considering the objections which were filed by the respondents. An inquiry under Section 5-A was made thereafter and Declaration under Section 6 had been issued. It is clear that mind has been applied and only the land which was necessary had been acquired after inquiry. Rest of the questions are covered by the

decision of this Court dated 8<sup>th</sup> February, 2018, rendered in Civil Appeal No.20982/2017 (Indore Development Authority Vs. Shailendra (Dead) Through its Lrs. & Ors. & batch.).

6. In view of the above, we dismiss the writ petition filed by the respondent-owners before the High Court.

7. The civil appeals are allowed and the impugned order is set aside. Pending applications stand disposed of.

C.A.No.2398/2018 @ SLP(C)No.11824/2016 :

1. Heard learned counsel for the parties.

2. Delay in filing substitution is condoned.

3. Substitution allowed.

4. Leave granted.

5. It is pointed out in the reply that no objection under Section 5A was filed. Be that as it may, it appears from the record that certain portions were released on the objection. Since, there was active consideration of the objections, we find no merits in plea of discrimination. We dismiss the writ petition filed in the High Court.

6. The civil appeal is allowed and the impugned order is set aside in view of the decision of this Court dated 8<sup>th</sup> February, 2018, rendered in Civil Appeal No.20982/2017 (Indore Development Authority Vs. Shailendra (Dead) Through its Lrs. & Ors. & batch). Pending applications stand disposed of.

C.A.No.2402/2018 @ SLP(C)No.23846/2016 :

1. Heard learned counsel for the parties.
2. Leave granted.
3. The impugned order is liable to be set aside in view of the answer to reference made by this Court in the decision of this Court dated 8<sup>th</sup> February, 2018, rendered in Civil Appeal No.20982/2017 (Indore Development Authority Vs. Shailendra (Dead) Through its Lrs. & Ors. & batch).
4. It was contended on behalf of the respondents-owners that once the writ petition had been allowed on 25.8.2000, quashing the Notification under Section 4 with respect to 1982 acquisition, it was not proper to acquire the land again.
5. In the case Section 4 Notification indicated that land was required for nursery school, road and public utility in Sector-15, Part-I at Gurgaon under the Haryana Urban Development Authority in the village Jharsa, considering the requirement and development that has taken place, we find the acquisition to be absolutely proper. Thus, we find no merit in the writ petitions filed by the owners before the High Court and therefore, the writ petitions are dismissed on merits.
6. The civil appeals are allowed, impugned order is set aside and pending applications stand disposed of.

W.P.(C)No.602/2017 :

1. Heard learned counsel for the parties.
2. We are not inclined to interfere with the Civil Writ Petition No.5325/2015 pending before the High Court of Punjab & Haryana at Chandigarh which was adjourned *sine die*. Since the petition of Maharana Pratap Charitable Trust is being heard, there is no necessity to keep this petition pending. The petitioner can approach the High Court for seeking decision in his writ petition, after decision is rendered in Maharana Pratap Charitable Trust. Accordingly, the writ petition and pending applications stand disposed of.

.....J.  
[ARUN MISHRA]

.....J.  
[AMITAVA ROY]

New Delhi;  
16<sup>th</sup> February, 2018.

ITEM NO.55+56

COURT NO.10

SECTION IV-A

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Item No.55 :

Petition(s) for Special Leave to Appeal (C) No(s).10742/2008

(Arising out of impugned final judgment and order dated 28-03-2008  
in WA No.128/2008 passed by the High Court Of M.P Principal Seat At  
Jabalpur)

YOGESH KUMAR &amp; ORS.

Petitioner(s)

VERSUS

THE STATE OF MADHYA PRADESH

Respondent(s)

WITH

SLP(C)No.20920/2011 (IV-B)  
SLP(C)Nos.26574-26575/2011 (IV-B)  
(With appln.(s) for directions)

SLP(C)No.28993/2011 (IV-B)  
(With appln.(s) for directions and exemption from filing O.T.)

SLP(C)No.30198/2015 (XIV)

SLP(C)No.30192/2015 (XIV)

SLP(C)No.30142/2015 (XIV)

SLP(C)No.30128/2015 (XIV)

SLP(C)No.30203/2015 (XIV)

C.A.No.4835/2015 (IV)

C.A.No.4836/2015 (IV)

SLP(C)No.25289/2015 (IV-B)

S.L.P.(C).....CC No.9842/2016 (IV-B)

SLP(C)No. 22356/2015 (IV-B)

SLP(C)No. 31678/2015 (XIV)

SLP(C)No. 4705/2016 (XIV)

SLP(C)Nos.30577-30580/2015 (IV-B)

SLP(C)No.27389/2015 (XIV)

SLP(C)No.27383/2015 (XIV)

SLP(C)No.34787/2015 (XIV)

SLP(C)No.22527/2015 (XIV)  
(With appln. for impleadment)

SLP(C)Nos.10190-10200/2017 (IV-B)  
(With appln.(s) for c/delay in filing and refiling SLP, c/delay in filing substitution appln., substitution, permission to file addl. documents and exemption from filing O.T. and intervention)

SLP(C)No.38290/2016 (XIV)

SLP(C)No.9571/2016 (IV-B)

SLP(C)No.15127/2016 (IV-B)

SLP(C)No.15144/2016 (IV-B)

SLP(C)No.15131/2016 (IV-B)

SLP(C)No.15139/2016 (IV-B)  
(With appln.(s) for substitution)

SLP(C)No.15117/2016 (IV-B)

SLP(C)No.15140/2016 (IV-B)  
(With appln.(s) for c/delay in filing substitution appln. and substitution)

SLP(C)No.9570/2016 (IV-B)

SLP(C)No.15143/2016 (IV-B)

SLP(C)No.15119/2016 (IV-B)

SLP(C)No.15141/2016 (IV-B)

SLP(C)No.15142/2016 (IV-B)

(With appln.(s) for taking addl. documents on record and for exemption from filing c/c of the impugned judgment)

SLP(C) No.16425/2016 (IV-B)  
(With appln.(s) for c/delay in filing substitution appln., substitution and exemption from filing O.T.)

SLP(C) No.23097/2016 (XIV)

SLP(C) No.15126/2016 (IV-B)

(With appln.(s) for exemption from filing c/c of the impugned judgment)

SLP(C) No. 15113/2016 (IV-B)

(With appln.(s) for c/delay in filing substitution appln. and substitution to bring on record LR.s. of Respondent, for taking addl. documents on record and for exemption from filing c/c of the impugned judgment)

SLP(C)No.16438/2016 (IV-B)

(With appln.(s) for c/delay in filing substitution appln. & substitution, for taking addl. documents on record and for exemption from filing c/c of the impugned judgment)

SLP(C)No.15125/2016 (IV-B)

(With appln.(s) for c/delay in filing substitution appln., substitution, for c/delay in filing SLP, exemption from filing O.T., for taking addl. documents on record and for exemption from filing c/c of the impugned judgment)

SLP(C)No.15118/2016 (IV-B)

SLP(C)No.15124/2016 (IV-B)

SLP(C)No.15112/2016 (IV-B)

SLP(C)No.23846/2016 (IV-B)

(With appln.(s) for taking addl. documents on record and exemption from filing c/c of the impugned judgment)

SLP(C)No.11824/2016 (IV-B)

(With appln.(s) for c/delay in filing substitution appln., substitution and exemption from filing O.T.)

SLP(C)Nos.15213-15217/2017 (IV-B)

(With appln.(s) for c/delay in filing and refiling SLPs)

SLP(C)No.17324/2016 (XIV)

SLP(C)No.38368/2016 (XIV)

SLP(C)Nos.5182-5184/2017 (IV-B)

(With appln.(s) for c/delay in filing substitution appln., substitution to bring on record LR.s. of deceased Respondent, permission to file vakalatnama on behalf of LR.s. and for exemption from filing O.T.)

SLP(C)Nos.19804-19805/2016 (IX)

(With appln.(s) for intervention)

SLP(C)Nos.22127-22128/2016 (IX)

SLP(C)Nos.21997-21998/2016 (IX)

W.P.(C) No. 602/2017 (X)

(With appln.(s) for stay and exemption from filing O.T.)

SLP(C)No.....D.No(s).24901/2017 (IV-B)

(With appln.(s) for c/delay in filing and refiling SLP and exemption from filing c/c of the impugned judgment)

Item No.56 :

C.A.No.20982/2017

Date : 16-02-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA  
HON'BLE MR. JUSTICE AMITAVA ROY

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Mr. Abhinav Gupta, Adv.  
Mr. Harsh Jain, Adv.  
Mr. Bankey Bihari, Adv.  
For Ms. Pratibha Jain, AOR

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Mr. Vikas Mehta, AOR  
Mr. Sandeep Chhabra, Adv.  
Mr. Prashant Singh, Adv.  
Mr. Anubhav Ray, Adv.

Mr. P.S. Patwalia, ASG.  
Mr. Sanjay Kapur, Adv.  
Ms. Megha Karnwal, Adv.  
Ms. Mansi Kapur, Adv.

Mr. P.S. Patwalia, ASG  
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Mr. Ajay Bansal, Adv. (AAG)  
Mr. Abhinash Jain, Adv. (AAG)  
Mr. Anil Grover, Adv. (AAG)  
Mr. Birendra Kumar Choudhary, Adv. (AAG)  
Mr. Anish Kumar Gupta, Adv.  
Mr. Avdhesh Kumar Singh, Adv.  
Mr. Chandra Shekhar Suman, Adv.  
Mr. Shekhar Raj Sharma, Adv.  
Mr. R.K. Rajwanshi, Adv.  
Ms. Deepshikha Bharati, Adv.  
Mr. Gaurav Yadav, Adv.  
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Mr. Sanjay Kumar Visen, AOR  
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Mr. Satish Kumar, Adv.  
Dr. Monika Gusain, Adv.  
Mr. Hemant Gupta, Adv.

Mr. Amit Kumar, Adv.  
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 Mr. Ajay Bansal, AAG.  
 Ms. Veena Bansal, Adv.  
 Mr. Gaurav Yadav, Adv.  
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 Mr. Ravinder Nain, Adv.  
 Mr. Naveen Kumar, Adv.  
 Mr. Jay Kr. Bhardwal, Adv.

Mr. Kuldip Singh, AOR

Ms. Garima Prashad, AOR

Ms. Binu Tamta, AOR

Mr. Abhinash Jain, AAG.  
 Mr. Arun Bhardwaj, AAG.  
 Mr. Piyush Hans, Adv.  
 Mr. Vishwa Pal Singh, AOR  
 Mr. Ashish Pandey, Adv.  
 Mr. Ronak Karanpuria, Adv.  
 Mr. Gauraan Bhardwaj, Adv.

Ms. Rashmi Chopra, Adv.  
 Ms. Asiya, Adv.

Ms. Rachana Srivastava, AOR  
 Mr. Sukrit Kapoor, Adv.  
 Ms. Sudipta Sarkar, Adv.

Mr. Sudhanshu S. Choudhari, AOR  
 Mr. Shakul R. Ghatole, Adv.  
 Ms. Surabhi Guleria, Adv.

Mr. Jaikriti S. Jadeja, AOR

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 Mr. Jubair Ahmad Khan, Adv.  
 Mr. Zaid Ali, Adv.  
 Mr. Tamim Qadri, Adv.  
 Mr. Mudasir Nabi, Adv.  
 Mr. Saeed Qadri, Adv.  
 Mr. Syed Faizan Ali, Adv.

For Mr. Lakshmi Raman Singh, AOR

For Respondent(s)

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Mr. C.U. Singh, Sr. Adv.  
Mr. Nikhil Rohatgi, Adv.  
Mr. Shashank Khurana, Adv.  
Mr. Sandeep Narain, Adv.  
Ms. Anjali Agarwal, Adv.  
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Mr. Randeep Rai, Sr. Adv.  
Ms. Ruby Singh Ahuja, Adv.  
Ms. Deepti Sarin, Adv.  
Ms. Aakanksha Munjhal, Adv.  
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Ms. Manik Karanjawala, Adv.  
For M/s. Karanjawala & Co., AOR

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Mr. Aditya Soni, Adv.  
For Mr. Shree Pal Singh, AOR

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Ms. Ila Haldia, Adv.  
Mr. Devansh Srivastava, Adv.

Mr. Vinay Navare, Adv.  
Ms. Gwen Karthika, Adv.  
Ms. Deeplaxmi Matwankar, Adv.  
Dr. Ravindra Chingale, Adv.  
For Ms. Abha R. Sharma, Adv.

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Ms. Eliza Bar, Adv.  
Mr. Shree Pal Singh, AOR

Dr. M.K. Ravi, Adv.  
Mr. Ankur Bansal, AOR

Mr. Ram Swarup Sharma, AOR

**Ms. Anubha Agrawal, AOR**

**Dr. Sudhir Bisla, Adv.  
Ms. Sumitra Bisla, Adv.  
Mr. Kamal Mohan Gupta, AOR  
Ms. Radhika Churvedi, Adv.  
Mr. Hitesh Kumar Sharma, Adv.  
Mr. S.K. Rajora, Adv.**

**Ms. Meenakshi Arora, Sr. Adv.  
Mr. Mohit D. Ram, Adv.  
Ms. Monisha Handa, Adv.  
Mr. Bhagirath N. Patel, Adv.**

**Ms. Anu Gupta, AOR**

**Mrs. Santosh Singh, AOR**

**Mr. Jagjit Singh Chhabra, AOR**

**Mr. Puneet Sharma, AOR**

**Mr. Atul Kumar, AOR  
Ms. Sweety Singh, Adv.  
Ms. Archana Kumari, Adv.  
Mr. Rahul Pandey, Adv.  
Ms. Bushna Perveen, Adv.  
Mr. Sankalp Aggarwal, Adv.**

**Dr. M.S. Verma, Adv.  
Mr. N.N. Jha, Adv.  
Ms. Shashi Singh, Adv.  
Ms. Ranjana Vohra, Adv.**

**Mr. M.L. Sharma, Adv.  
Mr. Dinesh Verma, Adv.  
Mr. Subhasish Bhowmick, AOR**

**Mr. Ranbir Singh Yadav, Adv.  
Mr. Puran Mal Saini, Adv.  
Mr. P. Kakra, Adv.  
Ms. Anzu K. Varkey, Adv.  
Mr. Rishi Chawla, Adv.**

**Mr. Punit Dutt Tyagi, AOR**

**Mr. E.C. Agrawala, AOR**

**Mr. Dushyant Parashar, AOR**

**Mr. Pradeep Misra, AOR**

**Mr. Rao Ranjit, AOR**

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Ms. Aparna Jha, Adv.  
Mr. Abhishek Yadav, Adv.

Mr. B. Krishna Prasad, AOR

Mr. Rabin Majumder, AOR

Mr. Kedar Nath Tripathy, AOR

Mr. Arun Sharma, Adv.  
Mr. Amit Andley, Adv.  
Ms. Tatini Basu, AOR

Mr. Saurabh Mishra, AOR  
Mr. Abhishek Singh, Adv.  
Mr. Onkar Singh, Adv.

Mr. Ankit Swarup, Adv.  
Ms. Tanya Swarup, Adv.

Mr. Arjun Krishnan, AOR

Mr. M.R. Shamshad, AOR  
Mr. Aditya Samaddar, Adv.  
Ms. Rimjhim Naudial, Adv.

Mr. Daya Krishan Sharma, AOR  
Mr. Rohit Vats, Adv.  
Ms. Monika Sharma, Adv.  
Mr. Rajesh Saharan, Adv.

Mr. Nishant Ramakantrao Katneshwarkar, AOR

Mr. Gagan Gupta, AOR  
Mr. Sumit Bansal, Adv.  
Ms. Richa Oberoi, Adv.

Mr. Baldev Atreya, Adv.  
Mr. Deepak Goel, AOR  
Mr. Kamal Kumar Pandey, Adv.

Mr. Siddharth Mittal, AOR  
Mr. Nayan Nepal, Adv.

Mr. Mishra Saurabh, AAG  
Mr. Arjun Garg, AOR

Mr. Manish Yadav, Adv.  
 Mr. Aakash Nandolia, Adv.  
 Mr. Ankit Kr. Lal, Adv.

Mr. Ajay Pal, AOR

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 Ms. Surabhi Guleria, Adv.

Mr. Ankur Mittal, Adv.

Mr. Jasbir Singh Malik, Adv.  
 Mr. Abhishek Pareek, Adv.  
 Mr. Anil Kumar Khanna, Adv.  
 Ms. Usha Nandini V., Adv.

UPON hearing the counsel the Court made the following  
 O R D E R

SLP(C)Nos.20920/2011, 26574-26575/2011, 28993/2011 :

No ground for interference is made out in exercise of our jurisdiction under Article 136 of the Constitution of India.

The special leave petitions are accordingly dismissed. Pending application, if any, stands disposed of.

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C.A.No.2384/2018 @ SLP(C)No.15139/2016,

C.A.No.2385/2018 @ SLP(C)No.16425/2016,  
C.A.No.2386/2018 @ SLP(C)No.15117/2016,  
C.A.No.2387/2018 @ SLP(C)No.15140/2016,  
C.A.No.2388/2018 @ SLP(C)No.9570/2016,  
C.A.No.2389/2018 @ SLP(C)No.15113/2016,  
C.A.No.2391/2018 @ SLP(C)No.16438/2016,  
C.A.No.2392/2018 @ SLP(C)No.15119/2016,  
C.A.No.2393/2018 @ SLP(C)No.15126/2016,  
C.A.No.2394/2018 @ SLP(C)No.15125/2016,  
C.A.No.2395/2018 @ SLP(C)No.15118/2016,  
C.A.No.2396/2018 @ SLP(C)No.15124/2016,  
C.A.No.2397/2018 @ SLP(C)No.15112/2016,  
C.A.No.2398/2018 @ SLP(C)No.11824/2016,  
C.A.No.2399/2018 @ SLP(C)No.15143/2016,  
C.A.No.2400/2018 @ SLP(C)No.15141/2016,  
C.A.No.2401/2018 @ SLP(C)No.15142/2016,  
C.A.No.2353/2018 @ SLP(C)No.17324/2016,  
C.A.No.2354/2018 @ SLP(C)No.38368/2016,  
C.A.No.2402/2018 @ SLP(C)No.23846/2016,  
C.A.No.2355/2018 @ SLP(C)No.23097/2016,  
C.A.No.2410/2018 @ SLP(C)No.5577/2018 @ D.24901/2017

Leave granted.

The civil appeals are allowed in terms of the signed order.

WP(C) No.602/2017 :

The writ petition is disposed of in terms of the signed order.

SLP(C)Nos.10742/2008, 31678/2015, 27389/2015, 27383/2015,  
34787/2015, 15127/2016, 5182-5184/2017 :

List on 19.2.2018.

C.A.Nos.4835/2015, SLP(C)Nos.25289/2015, 22356/2015, 30577-80/2015, 10190-200/2017, 15213-17/2017, 19804-5/2016, 22127-28/2016, 21997-98/2016 and C.A.No.20982/2017 :

List on 20.2.2018

(Sarita Purohit)  
Court master

(Jagdish Chander)  
Branch Officer

(Signed order is placed on the file)