

Delhi Development Authority vs Manpreet Singh on 16 January, 2023

Author: M.R. Shah

Bench: C.T. Ravikumar, M.R. Shah

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 277 OF 2023
(@ SLP (C) No. 31307 of 2018)

Delhi Development Authority

...Appellant(s)

Versus

Manpreet Singh & Ors.

...Respondent(s)

WITH

CIVIL APPEAL NO. 278 OF 2023
(@ SLP (C) No. 1011 of 2023)
(@ Diary No. 29472 of 2021)

Govt. of NCT of Delhi Through Secretary
Land & Building Department & Anr.

...Appellant(s)

Versus

Manpreet Singh & Ors.

...Respondent(s)

JUDGMENT

M.R. SHAH, J.

1. As common question of law and facts arise in these appeals, as Date: 2023.01.16 16:51:29 IST
Reason:

both these appeals arise out of the impugned judgment and order passed by the High Court, both these appeals are being decided and disposed of together by this common

judgment and order.

2. Feeling aggrieved and dissatisfied with the impugned judgment and order passed by the High Court of Delhi at New Delhi dated 30.01.2018 passed in Writ Petition (C) No. 11230 of 2015 by which on the writ petition filed by the respondent No. 1 herein – original writ petitioner, the High Court has allowed the said writ petition and has held that the acquisition with respect to the land in question is deemed to have lapsed by virtue of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as “Act, 2013”), the beneficiary - Delhi Development Authority (DDA) and the acquiring body – Government of NCT of Delhi have preferred the present appeals.

3. Learned counsel appearing on behalf of the appellants has vehemently submitted that as such the respondent No. 1 herein – original writ petitioner is the subsequent purchaser, who purchased the property even after the Act, 2013 coming into force and therefore as observed and held by this Court in the case of Delhi Administration Thr. Secretary, Land and Building Department and Ors. Vs. Pawan Kumar and Ors., Civil Appeal No. 3646 of 2022 and Delhi Development Authority Vs. Godfrey Phillips (I) Ltd. & Ors., Civil Appeal No. 3073 of 2022, being a subsequent purchaser, he had no locus to challenge the acquisition / lapsing of the acquisition proceedings under the Act, 2013. It is submitted that therefore, the High Court has materially erred in declaring that the acquisition with respect to the land in question is deemed to have lapsed in a writ petition filed by the respondent No. 1 being a subsequent purchaser, who as such had no locus to challenge the acquisition as observed and held by this Court in the aforesaid decisions.

4. Shri Gopal Sankaranarayanan, learned senior counsel, however, has submitted that the decision of this Court in the case of Shiv Kumar & Anr. Vs. Union of India & Ors., (2019) 10 SCC 229, which has been considered by this Court while allowing Civil Appeal No. 3073 of 2022 - Delhi Development Authority Vs. Godfrey Phillips (I) Ltd. & Ors. requires re-consideration as certain relevant aspects under the Act, 2013 has not been dealt with and/or considered. However, he is not disputing that the original writ petitioner is a subsequent purchaser, who acquired the right, title and interest in the property in the year 2018 and/or even subsequent to Act, 2013 coming into force.

5. We have heard the learned counsel for the respective parties at length.

6. At the outset, it is required to be noted that it was the specific case on behalf of the appellants before the High Court that the original writ petitioner is a subsequent purchaser, who has acquired the right, title or interest in the land in the year 2018. The original writ petitioner was not the recorded owner at the time when the award with respect to the land in question under the provisions of Land Acquisition Act, 1894 (hereinafter referred to as “Act, 1894”) was issued. From the material on record, it appears that before the High Court, the original writ petitioner claimed the right, title or interest on the basis of the Assignment Deed of 2015. In the present case, the notification under Section 4 of the Act, 1894 was issued on 25.11.1980 and the award was declared on 05.06.1987. Therefore, the short question, which is posed for the consideration of this Court is:-

Whether the original writ petitioner being a subsequent purchaser had locus to challenge the acquisition and/or lapsing of the acquisition?

6.1 The aforesaid issue is now not res integra in view of the Three Judge Bench decision of this Court in the case of Shiv Kumar & Anr. (supra), which has been subsequently followed by another Bench of this Court in the cases of Godfrey Phillips (I) Ltd. & Ors. (supra) and Pawan Kumar and Ors. (supra). The decision of this Court in the case of Shiv Kumar & Anr. (supra) is a Three Judge Bench decision by which a contrary view taken by the Two Judge Bench of this Court in the case of Government (NCT of Delhi) Vs. Manav Dharam Trust and Anr., (2017) 6 SCC 751 has not been accepted and is found to be not a good law. That thereafter after following the Three Judge Bench decision in the case of Shiv Kumar & Anr. (supra) in the cases of Godfrey Phillips (I) Ltd. & Ors. (supra) and Pawan Kumar and Ors. (supra), this Court has subsequently observed and held that a subsequent purchaser has no locus to challenge the acquisition proceedings / lapsing of the acquisition under the Act, 2013. 6.2 In that view of the matter, the High Court has committed a serious error in entertaining the writ petition at the instance of the respondent No. 1 herein – original writ petitioner and has materially erred in declaring that the acquisition with respect to the land in question is deemed to have lapsed under Section 24(2) of the Act, 2013 in a writ petition filed by the respondent No. 1 herein – original writ petitioner, who is a subsequent purchaser. Under the circumstances and on that ground alone, the impugned common judgment and order passed by the High Court is required to be quashed and set aside.

7. In view of the above and for the reasons stated above, both these appeals succeed. The impugned judgment and order passed by the High Court is hereby quashed and set aside. The original Writ Petition No. 11230 of 2015 filed before the High Court stands dismissed.

Present appeals are accordingly allowed. However, in the facts and circumstances of the case, there shall be no order as to costs.

Pending application, if any, also stands disposed of.

..... J.
[M.R. SHAH]

NEW DELHI;
JANUARY 16, 2023.

..... J.
[C.T. RAVIKUMAR]