

GOVERNMENT OF NCT OF DELHI

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v.

VIJAY GUPTA & ORS.

(Civil Appeal No. 1784 of 2023)

MARCH 24, 2023

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[M. R. SHAH AND C. T. RAVIKUMAR, JJ.]

Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 – s.24(2) – High Court allowing the writ petition filed by respondents-subsequent purchasers declared that the acquisition w.r.t the land in question is deemed to have lapsed by virtue of s.24(2) – Objection as to the locus of the subsequent purchasers to challenge the acquisition/lapsing of the acquisition – Held: A subsequent purchaser has no locus to challenge the acquisition/lapsing of the acquisition – High Court erred in entertaining the writ petition preferred by the respondents praying for lapsing of the acquisition – There shall not be any deemed lapse of the acquisition proceedings w.r.t the land in question – Impugned judgment is quashed and set aside.

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Shiv Kumar & Anr. v. Union of India & Ors. (2019) 10 SCC 229 : 2019 (13) SCALE 698; Delhi Development Authority v. Godfrey Phillips (I) Ltd. & Ors. (2022) 8 SCC 771; Delhi Administration Thr. Secretary, Land and Building Department & Ors. v. Pawan Kumar & Ors. (2022) 7 SCC 470 – relied on.

Government (NCT of Delhi) v. Manav Dharam Trust and Anr. (2017) 6 SCC 751 : [2017] 4 SCR 232 – referred to.

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Case Law Reference

[2017] 4 SCR 232

referred to

Para 2

CIVIL APPELLATE JURISDICTION: Civil Appeal No. 1784 of 2023.

From the Judgment and Order dated 06.08.2018 of the High Court of Delhi at New Delhi in WP (C) No. 9196 of 2015.

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- A Chandra Prakash, CP Rajwar, Vivek Singh, Ms. Somi Sharma, Advs. for the Appellant.
- Prithvi Pal, Randhir Pandey, Naresh Nagar, Nitin Mishra, Ishaan Sharma, Advs. for the Respondents.
- B The Judgment of the Court was delivered by
M. R. SHAH, J.
- C 1. Feeling aggrieved and dissatisfied with the impugned judgment and order passed by the High Court of Delhi at New Delhi dated 06.08.2018 in Writ Petition (C) No. 9196 of 2015 by which the High Court has allowed the said writ petition preferred by the contesting respondents herein and has declared 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 Government of NCT of Delhi has preferred the present appeal.
- D 2. Learned counsel appearing on behalf of the appellant has vehemently submitted that it was the specific case on behalf of the appellant before the High Court that as the original writ petitioners before the High Court were the subsequent purchasers, they have no locus to challenge the acquisition / lapsing of acquisition. It is submitted that, however, despite the above objection, the High Court has entertained the writ petition at the instance of the subsequent purchasers and has declared that the acquisition with respect to the land in question is deemed to have lapsed by virtue of Section 24(2) of the Act, 2013, relying upon the decision of this Court in the case of **Government (NCT of Delhi) Vs. Manav Dharam Trust and Anr., (2017) 6 SCC 751**. It is submitted that in view of the decision of this Court in the case of **Shiv Kumar & Anr. Vs. Union of India & Ors., (2019) 10 SCC 229**, the decision in the case of **Manav Dharam Trust and Anr. (supra)** is not a good law. It is submitted that as observed and held by this Court in the case of **Shiv Kumar & Anr. (supra)** followed by this Court in the subsequent decisions in the case of **Delhi Development Authority Vs. Godfrey Phillips (I) Ltd. & Ors., (2022) 8 SCC 771** and **Delhi Administration Thr. Secretary, Land and Building Department & Ors. Vs. Pawan Kumar & Ors., (2022) 7 SCC 470**, a subsequent
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purchaser has no locus to challenge the acquisition and / or lapsing of A the acquisition.

Making above submissions and relying upon the above decisions, it is prayed to allow the present appeal.

3. Learned counsel appearing on behalf of the contesting respondents – original writ petitioners is not in a position to dispute that they had purchased the land in question subsequent to the acquisition proceedings under the Land Acquisition Act, 1894. Even, the learned counsel appearing on behalf of the original writ petitioners is not in a position to point out any valid title deed. From the averments in the petition before the High Court, it appears that the original writ petitioners claimed the relief based on general power of attorney, will, receipt etc., which as such cannot confer any title on the original writ petitioners. B C

4. Be that it may, the fact remains that the respondents can be said to be subsequent purchasers. As per the law laid down by this Court in the case of **Shiv Kumar & Anr. (supra)**, which has been subsequently followed by this Court in the case of **Godfrey Phillips (I) Ltd. & Ors. (supra)** and **Pawan Kumar & Ors. (supra)** and even in other decisions, a subsequent purchaser has no locus to challenge the acquisition / lapsing of the acquisition. In that view of the matter, the High Court has materially erred in entertaining the writ petition preferred by the original writ petitioners praying for lapsing of the acquisition. On the aforesaid ground alone, the impugned judgment and order passed by the High Court deserves to be quashed and set aside. D E

5. In view of the above and for the reasons stated above, the present appeal succeeds. The impugned judgment and order passed by the High Court is hereby quashed and set aside. There shall not be any deemed lapse of the acquisition proceedings with respect to the land in question as observed and held by the High Court by the impugned judgment and order. F

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

Pending applications, if any, also stand disposed of.