

A GOVERNMENT OF NCT OF DELHI AND ANR.

v.

M/S. BEADS PROPERTIES PVT. LTD. & ORS.

(Civil Appeal No. 1522 of 2023)

B MARCH 13, 2023

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

C *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 respondent No.1, a subsequent purchaser declared that the acquisition w.r.t the land in question is deemed to have lapsed by virtue of s.24(2) – Whether the subsequent purchaser has locus to challenge the acquisition/ lapsing of the acquisition – Held: No – Thus, the High Court erred in entertaining the writ petition preferred by the respondent No.1*
D *being a subsequent purchaser and particularly when the original owners/recorded owners did not challenge the acquisition at all – 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.*

E *Shiv Kumar & Anr. v. Union of India & Ors., (2019) 10 SCC 229; Delhi Development Authority v. Godfrey Phillips (I) Ltd. & Ors., Civil Appeal No. 3073 of 2022 – relied on.*

Case Law Reference

F (2019) 10 SCC 229 relied on Para 2.2

CIVIL APPELLATE JURISDICTION: Civil Appeal No. 1522 of 2023.

G From the Judgment and Order dated 24.08.2015 of the High Court of Delhi at New Delhi in WP (C) No. 6963 of 2014.

Atul Kumar, Mrs. Sweety Singh, Mrs. Archana Kumari, Rahul Pandey, Advs. for the Appellants.

Ms. Malvika Kapila, Ms. Tanwangi Shukla, Advs. for the Respondents.

H

The Judgment of the Court was delivered by A
M. R. SHAH, J.

1. Feeling aggrieved and dissatisfied with the impugned judgment and order passed by the High Court of Delhi at New Delhi dated 24.08.2015 in Writ Petition (C) No. 6963 of 2014 by which the High Court has allowed the said writ petition preferred by the respondent No. 1 herein – original writ petitioner 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 and Anr. C have preferred the present appeal.

2. From the counter affidavit filed before the High Court, it was the specific case on behalf of the appellants / Land Acquisition collector that the recorded owners of the land in question are Parvati Jain, Lajja Ram and D. L. Parti and since the recorded / original owners never challenge the acquisition proceedings, the original writ petitioner had no right to challenge the same. Even from the averments in the writ petition and even according to the original writ petitioner, the original writ petitioner purchased the land in question after the notification under Section 4 was issued. At this stage, it is required to be noted that the notification under Section 4 of the Land Acquisition Act, 1894 was issued on 25.11.1980 E and the declaration under Section 6 of the Act was made on 07.06.1985 and the award under Section 11 of the Act, 1894 was published on 09.07.1987.

2.1 From the averments in the writ petition (paragraph 3), the original writ petitioner purchased the lands thereafter, i.e., in the year 1990. Therefore, it was the case on behalf of the appellant before the High Court that the original writ petitioner being the subsequent purchaser had no locus to challenge the acquisition / lapsing of the acquisition. Without advertng to on the aforesaid issue, the High Court has entertained the said writ petition and has allowed the same. G

2.2 Whether the subsequent purchaser has a locus to challenge the acquisition / lapsing of the acquisition is now not res integra in view of the decisions of this Court in the case of **Shiv Kumar & Anr. Vs. Union of India & Ors., (2019) 10 SCC 229** and **Delhi Development**

H

A Authority Vs. Godfrey Phillips (I) Ltd. & Ors., Civil Appeal No. 3073 of 2022.

2.3 In the aforesaid decisions and the other subsequent decisions, it is specifically observed and held that the subsequent purchaser has no locus to challenge the acquisition / lapsing of the acquisition. Under the circumstances, the High Court has erred in entertaining the writ petition preferred by the respondent No.1 herein – original writ petitioner being a subsequent purchaser and particularly when the original owners / recorded owners did not challenge the acquisition at all.

3. In view of the above and for the reasons stated above, 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.

Present appeal is 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.

Divya Pandey
(Assisted by : Abhishek Agnihotri and Shevali Monga, LCRA's)

Appeal allowed.