

A DELHI DEVELOPMENT AUTHORITY

v.

NARENDRA KUMAR JAIN & ORS.

(Civil Appeal No.3340 of 2023)

B MAY 04, 2023

[M. R. SHAH AND AHSANUDDIN AMANULLAH, JJ.]

C *Right to Fair Compensation and Transparency in Land Acquisition, rehabilitation and Resettlement Act, 2013 – s.24(2) – High Court declared that the land in question deemed to have lapsed u/s. 24(2) of the 2013 Act – It was the case on behalf of the LAC that possession of the land was taken over and the original writ petitioners are not the recorded owners, they were subsequent purchasers – However, High Court allowed the writ petition relying on the case of Govt. of NCT of Delhi v. Manav Dharma Trust – On appeal, held: The decision in the case of Manav Dharma Trust was held to be not a good law in view of the decision of the Supreme Court in Shiv Kumar & Anr. V. Union of India & Ors. and Delhi Development Authority v. Godfrey Philips (I) Ltd. & Ors. – In both the said cases, it was specifically held that the subsequent purchaser has no locus to challenge the acquisition and/or pay for deemed lapse of acquisition – Impugned Judgment and order of the High Court unsustainable.*

E *Govt. of NCT of Delhi v. Manav Dharma Trust (2017) 6 SCC 751 : [2017] 4 SCR 232 – referred to.*

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

Case Law Reference

G [2017] 4 SCR 232 referred to Para 2

CIVIL APPELLATE JURISDICTION : Civil Appeal No.3340 of 2023.

H From the Judgment and Order dated 20.07.2018 of the High Court of Delhi at New Delhi in WP (C) No.9745 of 2015.

Ms. Manika Tripathy, Ashutosh Kaushik, Manish Vashist, Advs. A
for the Appellant.

Ms. Sujeeta Srivastava, Adv. for the Respondents.

The Judgment of the Court was delivered by

M. R. SHAH, J. B

1. Feeling aggrieved and dissatisfied with the impugned judgment and order passed by the High Court of Delhi at New Delhi in Writ Petition (C) No. 9745 of 2015, by which, the High Court has allowed the said writ petition and has declared that the acquisition with respect to the land in question is deemed to have lapsed under 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 Delhi Development Authority has preferred the present appeal. C

2. From the impugned judgment and order passed by the High Court it appears that and even from the counter filed on behalf of the LAC before the High Court, it was the case on behalf of the LAC that possession of the land in question was taken over on 12.07.2004. It was also the case on behalf of the LAC that original writ petitioners – respondents herein are not recorded owners and they are the subsequent purchaser. However, thereafter, relying upon the decision of this Court in the case of **Govt. of NCT of Delhi Vs. Manav Dharma Trust (2017) 6 SCC 751**, the High Court has overruled the objection that the writ petitioners being subsequent purchaser has no locus to challenge the acquisition and/or to pray for deemed lapse of acquisition, thereafter, on the ground that the compensation has not been paid/tendered, the High Court has allowed the writ petition. D
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3. However, it is required to be noted that the decision of this Court in the case of **Manav Dharma Trust (supra)** which has been relied upon by the High Court while passing the impugned judgment and order, is held to be not a good law in view of the decision of this Court in the case of **Shiv Kumar & Anr. Vs. Union of India & Ors. (2019) 10 SCC 229** and subsequent decision of this Court in the case of **Delhi Development Authority Vs. Godfrey Philips (I) Ltd. & Ors. Civil Appeal No. 3073/2022**. G

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A 4. In the case of **Shiv Kumar (supra)** and **Godfrey Philips (I) Ltd. (supra)**, it is specifically observed and held that the subsequent purchaser has no locus to challenge the acquisition and/or pray for deemed lapse of acquisition.

B 5. In view of the matter, the impugned judgment and order passed by the High Court is unsustainable and the same deserves to be quashed and set aside and is accordingly quashed and set aside. Appeal is accordingly allowed. No costs.

Pending applications, if any, also stand disposed of.

Ankit Gyan
(Assisted by : Abhishek Agnihotri, LCRA)

Appeal allowed.