



REPORTABLE

CIVIL APPEAL NO. 3340 OF 2023
(@ SLP (C) NO. 9383 OF 2023)
(@ DIARY NO. 28392 OF 2021)

Delhi Development Authority ...Appellant(s)

Versus

Narendra Kumar Jain & Ors. ...Respondent(s)

JUDGMENT

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 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.

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.

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.**
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.

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.

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

NEW DELHI;
MAY 4, 2023.

.....J.
[AHSANUDDIN AMANULLAH]