

-REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5054 OF 2008

ant(s) M/S. COMPETENT AUTOMOBILES CO. LTD. Appell

VERSUS

dent(s) UNION OF INDIA & ORS. Respon

J U D G M E N T

KURIAN, J.

ent 1. The challenge in this appeal is the Judgm
ted dated 25.08.2005 passed by the High Court of Delhi in
W.P. (C) No. 4694 of 2002 and other connec
matters.

Land s 2. In the impugned Judgment, the High Court upheld
the proceedings taken for acquisition of the land on
the ground that Section 6 Declaration (of
Acquisition Act, 1894) was within time. It appear
that the appellant herein pursued a Review Petition
before the High Court, which was also dismissed.

Signature Not Verified 3. When the matter came up before this Court, by way
of interim order dated 15.05.2007, this Court stayed
the dispossession.

Digitally signed by
JAYANT KUMAR ARORA
Date: 2016.05.13
16:56:28 IST
Reason:

4. When the appeal was heard on 07.01.2016, this
Court passed the following order :-

"Having heard the learned counsel for the parties for sometime, we feel that certain factual aspects which are critical for the decision of this case are required. Therefore, the appellant as well as the competent officers of the D.D.A (Respondent No. 5) are directed to file an affidavit after verifying the records of the High Court and this Court stating clearly the period during which any stay operated in the case of acquisition of property referred to in this case after 08.07.2002. The affidavit shall be filed within a week.

List the matter on Thursday i.e. 14th January, 2016 as part-heard.

Counsel for the appellant is also free to produce certified copies of the orders instead of filing the affidavit."

5. Thereafter, on 14.01.2016, this Court passed the following order :-

"Learned counsel for the parties do not dispute that the records do not give any indication

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that the time fixed for passing the Award in terms of the Section 11 of the Land Acquisition Act, 1984, has expired.

The submissions having been made after verifying the records, we do not feel necessary to have any further affidavit in that regard.

Heard learned counsel for the parties at some length.

However, having extensively heard the learned counsel for the parties, we do not find fit to continue the interim order granted by this Court on 15.05.2007. Hence, the interim order dated 15.05.2007 is vacated.

Arguments remained part-heard.

List the matter on 21.01.2016 as part-heard."

6. On 21.01.2016, this Court passed the following order :-

"The fifth respondent is directed to file an affidavit whether the Delhi Development Authority is keen on acquisition of the property which is heavily built up as can be seen from the photographs produced before the Court. It is to be made clear in the

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affidavit as to what purpose they intend to use it for. The Delhi Development Authority shall necessarily refer also to the Notification dated 19.01.2007.

It will certainly be open to the officers concerned to conduct physical verification of the said property before filing the affidavit.

The affidavit shall be filed within six weeks.

Post after six weeks as part-heard."

7. An affidavit, accordingly, has been filed by the

Principal Commissioner, Land Management, Delhi Development Authority stating that in view of the

intervening developments, it is not feasible to proceed with the acquisition. Para 4 of the said affidavit is reproduced below :-

"That the joint inspection report has been considered by the competent authority and keeping in view that area is forming part of Abadi Deh/Lal Dora of village Mehrauli and being built up at site with monuments, graveyards, masjids, Lal Masjid, Aulia Masjid, Jahaz Mahal, Kanati Masjid and vacant land of about 9 Bigha, it has been

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observed that acquisition of built up land would involve massive demolition and cause hardships to the occupant of the land. Therefore, it has been decided not to pursue the acquisition proceedings subject to further orders by this Hon'ble Court. It is pertinent to mention here that the Petitioner is carrying out commercial activity at the land in his alleged possession contrary to the permitted land use. However, it will be without prejudice to rights of the respondent to acquire the same in accordance with law if need so arises."

8. In that view of the matter, it has become unnecessary for us to consider this appeal on merits. The acquisition proceedings in respect of the land belonging to the appellant are set aside. Needless to say, the land stands consequently denotified.

9. We make it clear that this Judgment shall not

Mr. Viresh B. Saharya, Adv.
for M/s Saharya & Co.

Mr. P. S. Patwalia, ASG
Ms. Kiran Bharadwaj, Adv.
Ms. Asha G. Nair, Adv.
Mr. Dhruv Sheoran, Adv.
Mr. D. S. Mahra, Adv.

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Ms. Rachana Srivastava, Adv.
Ms. Monika, Adv.
Mr. Sukrit R. Kapoor, Adv.

Mr. V. K. Verma, Adv.

For Intervention Mr. Vijay Hansaria, Sr. Adv.
Ms. Sneha Kalita, Adv.

UPON hearing counsel the Court made the following
O R D E R

Civil Appeal No(s). 5054 of 2008

I.A.No. 5 - application for intervention is allowed.

The civil appeal is disposed of in terms of the signed
non-reportable Judgment.

Pending interlocutory applications, if any, are disposed of.

C.A. No. 5050 of 2008 and C.A. No. 5101-5104 of 2008

Mr. Manoj Swarup, learned counsel for the appellant in these
appeals, submits that they are also the similarly situated
persons as in Civil Appeal No. 5054 of 2008, which appeal is
disposed of above.

We direct the Delhi Development Authority and the Government
of Delhi to file their response to this submission as to whether
they are similarly situated persons as in Civil Appeal No. 5054
of 2008.

The response may be filed positively within six weeks from
today.

Post these matters on 05.07.2016 for orders.

(Jayant Kumar Arora)
Sr. P.A.

(Renu Diwan)
Court Master

(Signed non-reportable Judgment is placed on the file)