

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5168/2012

SIMLESH DEVI & ORS.

APPELLANT(S)

VERSUS

THE COLLECTOR & ORS.

RESPONDENT(S)

WITH

CIVIL APPEAL NO.5176/2012

CIVIL APPEAL NO.5175/2012

O R D E R

1. These three civil appeals arise out of the judgment dated 04.09.2009 passed by a Division Bench of the Allahabad High Court, whereby the acquisition of the land situated at village Ibadullahpur @ Badalpur in District Gautam Budh Nagar (formerly part of District Ghaziabad) stood upheld and consequently the appellants' prayer to exempt their small residential plots/properties from the acquisition has been rejected.

2. To recapitulate the facts briefly, the State of Uttar Pradesh issued a notification on 20.06.2007 under

Section 4 of the Land Acquisition Act, 1894 (in short, the "Act") proposing to acquire land measuring approximately 230 hectares situated at village Ibadullahpur @ Badalpur, Tehsil Dadri, Gautam Budh Nagar for the public purpose of industrial development of Greater Noida Development Authority. It was followed by a notification dated 18.06.2008 issued under Section 6 of the Act. It, however, seems that simultaneously, while issuing notification under Section 4 of the Act, Section 17(1) of the Act, namely, the urgency clause, was invoked. The State Government, in that regard, accepted the recommendations of the District Collector on the premise that the subject land was required urgently in order to develop it as an industrial area and to invite foreign investments.

3. So far as the appellants are concerned, they are said to have purchased small plots measuring 100 sq. yds. to 200 sq. yds., apparently for residential purposes in the subject area, in and around the time the Section 4 notification was issued. It is also a matter of record that, though no regulated development of a residential colony over the subject land was approved by the competent authority, the appellants or similarly placed persons are said to have constructed their small

residential units at their respective sites. It is for this precise reason that in their writ petitions, the appellants, instead of questioning the legality of the grounds of urgency to justify the invocation of Section 17(1) of the Act, primarily sought the release of their residential plots/dwelling units.

4. The appellants, being aggrieved by the acquisition, approached the jurisdictional High Court through various writ petitions in which initially *ad interim* protection against dispossession was granted to them. Their writ petitions, however, were eventually dismissed *vide* impugned judgment dated 04.09.2009. The acquisition as well as the invocation of urgency under Section 17(1) of the Act were upheld by the High Court and in para 25, it opined as follows:

“25. From a bare perusal of the aforesaid report of the committee, we find that the proposal submitted by the committee was duly countersigned by the Collector, Gautam Budh Nagar. The said report clearly recites the urgency for which the land was required, namely to provide land to prospective potential investors including foreign investors to support the planned industrial development in the State of U.P. The proposal, as noted above, also recites that in the event such land is not provided immediately, then the said investors would migrate to other States which would definitely have an adverse impact on the planned industrial development of the State. It is only when that such investors are provided immediate allotments that such planned

industrial development would be possible. It is, thus, for the said public purpose coupled with the aforesaid urgency, the proposal was made for invoking the provisions of Section 17 of the Act. The Certificate issued by the Collector after receiving of the said report also reemphasis the same and clearly spells out the need to dispense 'with the inquiry under Section 5-A .of 'the Act'. It is this material, which was there before the State Government which prompted it to invoke the urgency clause not only under Section 17(1) but also under sub-section (4) of Section 17 of 'the Act'. Thus, on the facts of the present case, it cannot be said that there was no material before the State Government for invoking the urgency clause."

[Sic]

5. The aggrieved appellants thereafter approached this Court. When the matter came up for hearing on 26.07.2010, *status quo* was directed to be maintained till further orders. That *interim* protection has continued to operate for almost 16 years.

6. We have heard learned counsel for the appellants as well as Mr. Ravindra Kumar, learned Senior Counsel for Greater Noida and learned State counsel for the State of Uttar Pradesh.

7. It is vehemently urged on behalf of the respondents that the urgency clause was invoked for *bona fide* reasons to facilitate foreign investment in the fast-developing cosmopolitan area of Noida/Greater Noida, where several

residential, commercial, industrial, and institutional activities have already been developed. It is, thus, urged that the reasons assigned by the High Court for upholding the urgency clause do not call for any interference by this Court.

8. On the other hand, learned counsel for the appellants submits that they are not keen on challenging the acquisition in its entirety as their only endeavour is to save their residential units, especially since they do not belong to affluent sections of the society, have poured their life's savings into their homes, and do not have any other alternate form of social security.

9. We have given thoughtful consideration to the rival submissions.

10. In view of the fact that all 16 appellants in these three appeals have approached this Court, primarily for the protection of their residential units admeasuring 100 sq. yds to 200 sq. yds. and have not seriously agitated the issue of quashing the entire acquisition, we are satisfied that there is no necessity for this Court to revisit the grounds of invoking the urgency clause. The short issue that survives for consideration is whether, notwithstanding that the subject acquisition has been

held to be valid and in accordance with law, the dwelling units of the appellants should be exempted from acquisition. In this regard, we find that the process for the subject acquisition commenced in June 2007, i.e. almost 19 years ago. The appellants' possession has been protected by the Courts throughout. It also appears from the counter affidavits/affidavits filed by the Greater Noida Authorities that residential units have been constructed, though the same may be unauthorized. Regulated development of the rest of the area has also apparently taken place.

11. In these peculiar facts and circumstances, we find it a fit case to invoke our powers under Article 142 of the Constitution of India to do complete justice between the parties and consequently allow these appeals in part in the following terms:

(i) The subject acquisition *qua* the residential plots of the appellants in these three appeals is set aside, without affecting the acquisition of the rest of the land.

(ii) Consequently, the residential houses of the appellants shall remain exempt from the acquisition.

(iii) The appellants, whose residential houses have been exempted from acquisition, may apply for the grant of basic amenities by the Authority. However, in that event,

they shall be liable to deposit the prescribed development charges as may be determined by the Authority as per the regulations.

.....CJI.
(SURYA KANT)

.....J.
(V. MOHANA)

NEW DELHI;
June 17, 2026

ITEM NO.106

COURT NO.1

SECTION III-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s).5168/2012

SIMLESH DEVI & ORS.

Appellant(s)

VERSUS

THE COLLECTOR & ORS.

Respondent(s)

IA No. 184858/2023 - EXEMPTION FROM FILING O.T., IA No. 184846/2023 -
PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

WITH

C.A. No. 5176/2012 (III-A)
FOR ON IA 54152/2010, IA No. 184948/2023 - EXEMPTION FROM FILING O.T.
IA No. 184941/2023 - INTERVENTION APPLICATION

C.A. No. 5175/2012 (III-A)
IA No. 83276/2023 - APPLICATION FOR PERMISSION

Date : 17-06-2026 These matters were called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MRS. JUSTICE V. MOHANA

For Appellant(s) : Ms. Kiran Bhardwaj, Adv.
Mr. Satpal Singh, AOR
Mr. Ashutosh Kumar Shukla, Adv.
Ms. Prerna, Adv.

For Respondent(s) : Mr. Ravindra Kumar, Sr. Adv.
Mr. Shivam Saksena, Adv.
Mr. Binay Kumar Das, AOR

Mr. Ashiwan Mishra, Adv.
Mr. Shashank Shekhar Singh, AOR

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

1. The appeals are allowed in part in terms of the signed order.

2. All pending applications, including the application for intervention, also stand disposed of.

(ARJUN BISHT)

ASTT. REGISTRAR-cum-PS

(signed order is placed on the file)

(PREETHI DILEEP KUMAR)

DEPUTY REGISTRAR