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C.A.No. 4722 OF 1997  
ITEM No.101(Part-Heard)

Court No. 9

SECTION XIV

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.4722 of 1997

DELHI ADMINISTRATION & ORS. Appellant (s)

VERSUS

MADAN LAL NANGIA & ORS. Respondent (s)

With C.A. No.4723/1997, SLP (C) No.12460/1997 (With appln.(s) for stay),  
C.A. No.4700/1997

Date : 17/09/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.N. VARIAVA  
HON'BLE MR. JUSTICE H.K. SEMA

For Appellant (s)

Mr. Kailash Vasdev, Sr. Adv.  
Mrs. Niranjana Singh, Adv.  
Mrs. Rekha Pandey, Adv. '  
Mr. Y.P. Mahajan, Adv.  
Mrs. Anil Katiyar, Adv.  
Mr. D.S. Mahra, Adv.

Mr. Kailash Vasdev, Sr. Adv.  
Mr. Vishnu B. Saharya, Adv. for  
M/s Saharya & Co.

For Respondent (s)Dr. Rajeev Dhavan, Sr. Adv.  
Mrs. Sangeeta Kumar, Adv.  
Mr. Vijay Kumar, Adv.

in CA 4723/97Mr. Pradeep Misra, Adv.  
Mr. N.S. Vashishta, Adv.  
Mr. Daleep Kumar Dhayani, Adv.

Mrs. Jayshree Wad, Adv.  
Mr. Ashish Wad, Adv.  
Ms. Niharika Bahl, Adv. for  
M/s J.S. Wad & Co.

Mr. Kailash Vasdev, Sr. Adv.  
Mrs. Niranjana Singh, Adv.  
Mrs. Rekha Pandey, Adv. '  
Mr. Y.P. Mahajan, Adv.  
Mrs. Anil Katiyar, Adv.  
Mr. Kailash Vasdev, Sr. Adv.  
Mr. Vishnu B. Saharya, Adv. for  
M/s Saharya & Co.

Mr. S.B. Upadhyay, Adv.

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

CIVIL APPEAL NO.4723 OF 1997 4700 OF 1997

The civil appeals are dismissed in terms of the signed order.

CIVIL APPEAL NO.4722/1997, SLP (C) NO.12460/1997

List tomorrow i.e. 18th September, 2003.

(K.K. Chawla)  
Court Master

(Jasbir Singh)  
Court Master

[Common signed order in C.A. No.4723/97 and 4700/97  
is placed on the file]  
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4723 OF 1997

UNION OF INDIA & ANR.... APPELLANTS

VERSUS

M.L. VASHISHT & ORS.... RESPONDENTS

AND

CIVIL APPEAL NO.4700 OF 1997

LAND ACQUISITION COLLECTOR (ME) & ORS.... APPELLANTS

VERSUS

HANS RAJ GUPTA (DEAD) BY L.RS.... RESPONDENTS

O R D E R

These two matters can be disposed of by this common order. On 13th November, 1959, a Notification under Section 4 of the Land Acquisition Act was issued. This Notification specifically stated that Government lands and evacuee properties were excluded. Before us it is not disputed, as it could not be, that on the date of issuance of this Notification the property concerned, in these appeals, were evacuee properties.

Thereafter, declarations under Section 6 were issued on 23rd December, 1968 and 2nd January, 1969. Awards came to be passed only in 1982/1983. A number of parties, including the respondents filed writ petitions challenging the acquisition proceedings. These writ petitions came to be disposed of by a judgment dated 14th December, 1995. The writ petitions filed by these respondents were allowed inter alia on the ground that the Notification under Section 4 exempted evacuee property and that therefore acquisition could not take place in respect of these properties. In our view, the reasoning of the High Court is correct. Once Section 4 Notification itself exempted these properties, there can be no acquisition in pursuance of that Notification. Further proceedings taken in the absence of a proper Section 4 Notification cannot be sustained.

It was submitted that Respondents (Petitioners in the writ petitions) were guilty of gross lapses and delay. However, no factual basis in support of this contention, has been placed before this Court. We, therefore, do not propose to go into this aspect in these Appeals.

We, therefore, see no reason to interfere with the judgment of the High Court. The Civil Appeals are dismissed.

.....J.  
(S.N. Variava)

.....J.  
(H.K. Sema)  
New Delhi;  
September 17, 2003.