

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3327 OF 2023
(Arising out of SLP (C) No. 9351/2023)
(@ D. No. 696/2023)

DELHI DEVELOPMENT AUTHORITY

Appellant(s)

VERSUS

JCT LIMITED & ORS.

Respondent(s)

O R D E R

1. None has appeared on behalf of the contesting respondents, though served.
2. Delay condoned
3. Leave granted.
4. Feeling aggrieved and dissatisfied with the impugned judgment and order dated 01.11.2018 passed by the High Court of Delhi at New Delhi in Writ Petition (C) No. 6152 of 2017, 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 "the 2013 Act"), the Delhi Development Authority has preferred the present appeal.
5. It is the specific case on behalf of the appellant and even so stated in the counter before the High Court and even it is apparent from the averments in the writ petition that the original writ petitioner No.1 purchased the land in question in the year 1990

much after Section 4 notification which was issued in the year 1980. So far as the other petitioners are concerned, even there was no Sale Deed in their favour. Be that as it may, the original writ petitioner No.1 can be said to be the subsequent purchaser, who purchased the land after the Section 4 notification.

6. In that view of the matter and in view of the law laid down by 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, the subsequent purchaser has no *locus* to challenge the acquisition and/or lapse of acquisition. The aforesaid aspect that the original writ petitioner No.1, being the subsequent purchaser has not at all been considered by the High Court, in the impugned judgment and order.

7. In view of the above and following the law laid down in the aforesaid decisions to the facts of the case on hand, 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.

The present appeal is, accordingly, allowed. No costs.

.....J
(M.R. SHAH)

.....J
(MANOJ MISRA)

New Delhi;
May 02, 2023

ITEM NO.27

COURT NO.4

SECTION XIV-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Special Leave Petition (C) D. No(s). 696/2023

DELHI DEVELOPMENT AUTHORITY

Petitioner(s)

VERSUS

JCT LIMITED & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.10819/2023-CONDONATION OF DELAY IN FILING and IA No.10817/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 02-05-2023 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Mr. Nitin Mishra, AOR
Mr. Ishaan Sharma, Adv.
Ms. Mitali Gupta, Adv.

For Respondent(s)

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

None has appeared on behalf of the contesting respondents,
though served.

Delay condoned

Leave granted.

The present appeal is allowed in terms of the signed order.

Pending applications, if any, stand disposed of.

(R. NATARAJAN)
ASTT. REGISTRAR-cum-PS

(Signed order is placed on the file)

(NISHA TRIPATHI)
ASSISTANT REGISTRAR