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VINOD KAPUR & ORS.

v.

UNION OF INDIA & ORS.

(Civil Appeal No. 1579 of 2010)

B

MAY 7, 2014

**[DR. B.S. CHAUHAN, J. CHELAMESWAR AND  
M.Y. EQBAL, JJ.]**

C *Land Acquisition Act, 1894: s.4 – Land in question notified u/s.4 on 25.11.1980 – The other persons whose land had also been acquired by the same notification had challenged the validity of the notification u/s.4 of Act 1894 by filing the writ petitions and its validity was upheld – Appellant is subsequent purchaser – In the year 1987-1988, the Land*  
D *Acquisition Officer made an award in respect of the land – Writ petition of appellant dismissed – State Authority did not take possession of the land in dispute though award was made in the year 1987-1988, and the High Court had decided against the appellant in review petition in the year 2007 – A period of*  
E *7 years has lapsed without any stay of proceedings and yet no action was taken by the State Authority in pursuance to the award – Held: Keeping in view the decision rendered in C.A. Nos. 5478-5483 of 2014, land owner's appeal is allowed.*

F CIVIL APPELLATE JURISDICTION : Civil Appeal No. 1579 of 2010.

From the Judgment and Order dated 17.12.2004 in Civil Writ Petition No. 745 of 1987 and dated 27.07.2007 in Review Petition No. 328 of 2005 of the High Court of Delhi.

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P. P. Malhotra, ASG; J. S. Attri, Geeta Luthra, Sanjay Poddar, Vinay Bhasin, Mukul Rohatgi, Gopal Jain, Shyam Divan, A. Sharan, Sandeep Bajaj, Siddharth Panda, D. S. Mahra, Anshuman Nayak, Shadman Ali, Gaurav Sharma,

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Chetan Chawla, Govind Kumar, Sonia Malhotra, Priyanka  
 Bharihoke, Yasir Rauf, Pradeep Misra, Daleep Kr. Dhayani, D.  
 N. Goburdhan, Narendra Goyal, Naina Dubey, Rohit Bhardwaj,  
 Anil Katiyar, H. S. Raina, Bhargava V. Desai, Shreyas Mehrotra,  
 R. N. Karanjawala, Manik Karanjawala, Ruby Singh Ahuja,  
 Krishna Hariyani, Rohit Sharma, Aakanksha Munjhal,  
 Karanjawala & Co., S. S. Khanduja, Archana Sharma,  
 Meenakshi Kalra, Shobha, Yash Pal Dhingra, Indra Sawhney,  
 Simran Mehta, Arvind Minocha, Veena Minocha, Sumit Bansal,  
 Ateev Mathur, Richa Oberoi, Jagjit Singh Chhabra, Pankaj  
 Gupta, Anusuya Salwan, S. Janani, Kunal Kohli, G. Umapathy,  
 Rakesh K. Sharma, Venkatasubramanian, S.  
 Ramasubramanian, R. Mekhala, P. V. Yogeswaran, Manish  
 Kumar, Amit Kumar, Piyush Kaushik, N. S. Vasisht, Gagan  
 Gupta, Ateev P. Mathur, Vishnu B. Saharya (for Saharya & Co.),  
 for the appearing parties.

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The Judgment of the Court was delivered by

**ORDER**

**DR. B.S. CHAUHAN, J.** 1. This appeal has been  
 preferred against the impugned judgment and order dated  
 17.12.2004 passed by the High Court of Delhi in Civil Writ  
 Petition No. 745 of 1987 and impugned judgment and order  
 dated 27.7.2007 passed in Review Petition No.328 of 2005  
 filed by the appellant wherein the court held that the declaration  
 under Section 6 of the Land Acquisition Act, 1894 (hereinafter  
 referred to as 'the Act 1894') was made within the limitation  
 prescribed under the Act.

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2. The facts and circumstances which have arisen in this  
 appeal are that the land, the subject matter of the appeal, stood  
 notified under Section 4 of the Act 1894 on 25.11.1980. The  
 other persons whose land had also been acquired by the same  
 notification had challenged the validity of the notification under  
 Section 4 of Act 1894 by filing the writ petitions and its validity  
 was upheld by the judgment and order dated 15.11.1983. It was

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A during the pendency of the acquisition proceedings that the present appellant had purchased the land vide registered sale deeds dated 6.5.1985 and 24.5.1985. In respect of the same land, the Land Acquisition Collector submitted a report on 4.6.1985 on the objections made under Section 5A of the Act  
 B 1894 by the predecessor-in-interest and the same was accepted by the Lt. Governor of Delhi and the declaration under Section 6 of the Act 1894 was issued on 7.6.1985. In the year 1987-1988, the Land Acquisition Officer made an award in respect of the land.

C 3. In respect of the same land covered by the same notification, various orders in various litigations pending before the High Court had been passed. The writ petition filed by the present appellant was dismissed vide impugned judgment and order dated 17.12.2004.

D 4. In view of the fact that the other land covered by the same notification and declaration had been the subject matter of various other writ petitions and particularly, the land belonging to one Geeta Devi, the respondent in Civil Appeal No. 4374 of 2009, the matter remained pending, thus, Review Petition etc.  
 E had been filed, which was dismissed on 27.7.2007.

F 5. It is evident from the orders passed by the High Court that it had granted stay of dispossession during the pendency of the writ petition as well as the review petition, though no interim order has been passed by this court. The respondent  
 G did not take possession of the land in dispute though award had been made in the year 1987-1988, and the High Court had decided against the appellant in the year 2007. Thus, a period of 7 years has lapsed without any stay of proceedings and yet no action has been taken by the respondents in pursuance to the award.

6. However, keeping in view the decision rendered in C.A. Nos. 5478-5483 of 2014, this appeal is allowed in terms thereof. No order as to costs.

Devika Gujral

Appeal allowed.

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