

[2014] 8 S.C.R. 783

UNION OF INDIA & ORS.

v.

GEETA DEVI

(Civil Appeal No. 4374 of 2009)

MAY 07, 2014

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

Land Acquisition Act, 1894: s.5-A – Objections filed by original tenure holder – Not considered by the competent authority – Actual and physical possession of land with the respondent who was the subsequent purchaser of the land – Award made in 1987-88 – Land acquisition proceedings quashed – Held: In view of C.A. No. 5478-83/2014, State's appeal is dismissed.

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 4374 of 2009.

From the Judgment and Order dated 11.05.2007 of the High Court of Delhi at New Delhi in W.P. (C) No. 1115 of 1987.

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, 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 Hariani, 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,

- A 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.

The Order of the Court was delivered by

- DR. B.S. CHAUHAN, J.** 1. In this case the facts are the same as contained in Civil Appeal Nos. 5478-5483 of 2014, however, it may be mentioned herein that Shrimati Geeta Devi, the respondent, is the subsequent purchaser of the land sought to be acquired under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the Act 1894') and the original tenure holder had filed objections under Section 5A of the Act 1894, which have not been considered. The proceedings in this respect also had been quashed and admittedly, the actual and physical possession of the land is with the respondent and as the proceedings had been quashed, the award had been made in 1987-1988. Thus, in substance the result would be the same as in Civil Appeal Nos. 5478-5483 of 2014.

The appeal is dismissed in terms of Civil Appeal Nos. 5478-5483 of 2014. No order as to costs.

- F Devika Gujral

Appeal dismissed.