

ITEM NO.14

COURT NO.13

SECTION XI

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 (CIVIL) Diary No(s). 2918/2020

(Arising out of impugned final judgment and order dated 17-10-2019 in LA No. 28234/2019 passed by the High Court of Judicature at Allahabad, Lucknow Bench)

LALIT KUMAR

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH &amp; ORS.

Respondent(s)

(IA No.20441/2020-CONDONATION OF DELAY IN FILING and IA No.20442/2020-EXEMPTION FROM FILING O.T. )

Date : 10-02-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR  
HON'BLE MR. JUSTICE R. SUBHASH REDDY

For Petitioner(s)

Ms. V. Mohana, Sr. Adv.  
Mr. Durga Dutt, AOR  
Mr. Moti Lal Yadav, Adv.  
Mr. Sanchit Maheshwari, Adv.  
Mr. Jitendra Nath Pathak, Adv.

For Respondent(s)

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

Delay condoned.

It is the case of the petitioner that the land in question, i.e., the land bearing Khasra No.821, situated at Village Bargawan, Tehsil Sarojini Nagar, District Lucknow, Uttar Pradesh, measuring about 0.1060 hectare was not acquired under the Notification dated 23.04.1979 and therefore the Petitioner is entitled to get the compensation in respect of the said land which is taken possession of by the respondents illegally/without any acquisition.

We find from the impugned judgment of the High Court dated 17.10.2019 passed in Land Acquisition No.28234 of 2019 that

the notification regarding acquisition of certain lands for public purpose was issued on 23.04.1979 and in pursuance to the said notification, possession of the aforementioned land in question was also taken way back in the year 1979. The erstwhile owner of the said land was Ram Bhajan, S/o Late Jagdev. He sold the said property through registered sale deed dated 29.07.2017 in favour of the petitioner and mutation was affected on 14.08.2019. As mentioned supra, it is the case of the petitioner that he was illegally dispossessed without acquisition and without payment of compensation. The Writ Petition came to be disposed of by the Division Bench on the ground of delay and laches, inasmuch as the Writ Petition was filed after 40 years from the date of acquisition and that the petitioner is the subsequent purchaser of the land in question. While deciding, it is observed by the Division Bench that the petitioner is at liberty to recover the sale consideration from the erstwhile owner of the land by taking recourse as provided under common law or any other remedy available in accordance with law.

We do not find any ground to interfere in the impugned judgment inasmuch as it is open for the petitioner to file Civil Suit or any other appropriate proceeding, in case really the land is not acquired. Since there are disputed questions of facts involved to be decided while considering the contention of the petitioner, the only recourse open to him is to approach the concerned Civil Court for appropriate reliefs or to take such other steps as are open to him in law. With these observations, the Special Leave Petition stand dismissed.

Pending application, if any, shall stand disposed of.

(SWETA DHYANI)  
SENIOR PERSONAL ASSISTANT

(R.S. NARAYANAN)  
COURT MASTER (NSH)