

Court No. - 3

Case :- WRIT - C No. - 9366 of 2023

Petitioner :- Abhishek Jain And Another

Respondent :- State Of U.P. Thru. Housing And Urban Planning Lko. And 7 Others

Counsel for Petitioner :- Ravi Shanker Singh, Kirti Veer Singh

Counsel for Respondent :- C.S.C., Ratnesh Chandra

Hon'ble Vivek Chaudhary, J.

Hon'ble Manish Kumar, J.

Heard learned counsel for the petitioner and Shri Mukund Tiwari, Advocate, who has filed his vakalatnama on behalf of L.D.A., which is taken on record.

Petitioner has approached this court claiming to be owner of the property in dispute and for prayer that the notification and declaration dated 08.12.1984 made under the Land Acquisition Act, 1894 be set aside as the same has lapsed under Section 11 A of the Act, 1894.

Admittedly, the land was acquired in the year 1984 and at the relevant point of time, it was owned by Indira Nagar Sahkari Awasiya Samiti Limited. The award of the land was also declared on 25.02.1987 and possession was also given. Petitioner purchased the land thereafter on 31.07.2018, hence as per the law settled down by Hon'ble Supreme Court in the case of *Shiv Kumar and another Vs. Union of India and others (2019) SCC Online SC 1339*, petitioner as a subsequent purchaser has no right to challenge the said acquisition which took place nearly 40 years back.

In view of the aforesaid, writ petition is dismissed.

(Manish Kumar, J) (Vivek Chaudhary, J)

Order Date :- 19.10.2023

Ashish