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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 7314/2009

RAM DEVI

..... Petitioner

Through: None.

versus

UOI & ORS.

..... Respondents

Through: Ms. Saroj Bidawat, Adv. for R-1/UOI  
& for MCD.

Ms. Shobhana Takiar, Adv. for DDA.

Mr. Sanjay Poddar, Sr. Adv. with Mr. Sanjay  
Kumar Pathak & Mr. Sunil Kumar Jha, Advs. for  
LAC/L&B/GNCTD.

**CORAM:**

**HON'BLE MR. JUSTICE S. RAVINDRA BHAT**

**HON'BLE MR. JUSTICE YOGESH KHANNA**

**ORDER**

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**27.04.2017**

1. The issue involved in this petition is whether evacuee land stood excluded from acquisition in terms of the Land Acquisition Act, 1894.
2. The writ petitioners claim that they were subsequent purchasers of evacuee properties and had challenged the move by the respondents to take possession contending that on 13.11.1959 Notification, intimating to the public that such lands were required for public purpose, stood out of the acquisition proceedings. The petitioners had relied upon the decision in *Matwal Chand v. Union of India*; **2004 (75) DRJ 461.**

That judgment was, however, overruled by the recent decision of the Supreme Court in *Lieutenant Governor of Delhi v. Matwal Chand*; **AIR 2015 SC 3709**. The Supreme Court held that with the publication of the Notification of evacuee land under Section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, the properties lost their character as evacuee property and therefore could be subject to acquisition under the Land Acquisition Act, 1894.

3. This Court notices that the present petition was adjourned repeatedly to await the decision of the Supreme Court. Now, that the *Matwal Chand* ruling of the Supreme Court has been rendered, the ratio enunciated in that judgment applies to the present case, so the writ petition is dismissed.

**S. RAVINDRA BHAT, J**

**YOGESH KHANNA, J**

**APRIL 27, 2017**

**kks**