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

Date of decision: 08th AUGUST, 2023

IN THE MATTER OF:

\+ **W.P.(C) 2028/2022 & CM APPL.s 5793/2022, 33985/2023**

SHRI RADHEY SHYAM DATTA ..... Petitioner

Through: Mr. Sanjay Rastogi, Mr. Aman Rastogi, Advocates

versus

UNION OF INDIA AND ANR ..... Respondents

Through: Mr. Avnish Singh, SPC with Ms. Pushplata Singh, Mr. Mahendra Vikram Singh, Advocates

CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

JUDGMENT

1. The Petitioner, who is a bona fide purchaser of a property bearing No. C-136, Vivek Vihar, Phase-I, Delhi-110095 (*hereinafter referred to as 'the property in question'*), has approached this Court by filing the present Writ Petition challenging the Eviction Notice dated 08.09.2021 issued by the respondent No.2/SDM Vivek Vihar seeking eviction of the Petitioner from the property in question.

2. It is pertinent to mention herein that Respondent No.2 has issued the Eviction Notice dated 08.09.2021 pursuant to Order of forfeiture dated 23.03.2017, issued by the Office of Competent Authority under the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976 [*hereinafter referred to as 'the SAFEM (FOP) Act, 1976'*], against one Jagdish Mitra, who was the original owner of the property in question. It is stated by the Petitioner that the property in question has changed several

hands by means of registered sale deeds before ultimately being purchased by the Petitioner vide a registered sale deed dated 20.07.2009. It is stated by the Petitioner that at the time of registration of the sale deed, there was no impediment/notice that the property in question could not be sold or that any interest in the said property could not be created because of the notice issued under the SAFEM (FOP) Act, 1976.

3. Shorn of unnecessary details, the facts of the present case and history of the property in dispute are as follows:

a) Plot no.136, Block-C, Jhilmil Tahirpur Residential Scheme, Delhi-110032 was purchased by Mr. Jagdish Mitra on 06.02.1971 from Delhi Development Authority on behalf of President of India.

b) In the year 1975 a detention order was passed against Mr. Jagdish Mitter under Section 3(1) of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (*hereinafter referred to as 'the COFEPOSA'*) was issued by the Ministry of Finance, Depart of Revenue & Insurance, New Delhi. Whereafter, a Show Cause Notice dated 30.03.1976 was issued in his name in accordance with section 6(1) of the SAFEM (FOP) Act, 1976, calling upon Mr. Jagdish Mitter to explain his source of income from which his assets/properties under scrutiny, have been acquired.

c) Subsequently, an order dated 27.04.1977 under section 7(1) of the SAFEM(FOP) Act, 1976 was passed forfeiting two properties and exempting one from the purview of forfeiture. The two properties forfeited were as under:

I. *House property No. 68-69, J.J. Colony, MotiBagh II, New Delhi.*

II. *Plot of Land No. C-136, Jhilmil, Tahirpur, Residential scheme Delhi.*

d) It is the Plot of Land No. C-136, Jhilmil, Tahirpur, Residential scheme Delhi (now known as Vivek Vihar) which is the subject property before this court.

e) Aggrieved by the order of forfeiture dated 27.04.1977, Mr. Jagdish Mitra filed an appeal before the Appellate Tribunal of Forfeited Property (*hereinafter referred to as ATFP*). The ATFP vide order dated 23.05.1978 set aside the order of forfeiture dated 27.04.1977 passed under section 7(1) of the SAFEM(FOP) Act, 1976 by observing that the appellant therein/Mr. Jagdish Mitter was not given reasonable opportunity of being heard and directed the Competent Authority to pass a fresh order after hearing the appellant, in accordance with law, after a supplementary reply to notice under section 6(1) SAFEM(FOP) Act, 1976 has been filed by the appellant therein. The supplementary reply was filed by Mr. Jagdish Mitter on 02.06.1978.

f) During the course of the ongoing proceedings, as stated above, a Civil Writ Petition No.1175/1978 was filed by Mr. Jagdish Mitter before this Court challenging notice issued under section 6(1) SAFEM(FOP) Act, 1976 dated 30.03.1976 and the order of the ATFP dated 23.05.1978. The *vires* of the SAFEM(FOP) Act, 1976 Act along with 39th, 40th and 42nd amendments to the Constitution of India were also challenged in the Writ Petition.

The writ petition was heard and allowed vide order dated 06.05.1985 whereby the notice issued under section 6(1) SAFEM(FOP) Act, 1976 dated 30.03.1976 and the order of the ATFP dated 23.05.1978 stood quashed. The relevant portion of order dated 06.05.1985 reads as under:

> "*The writ petition therefore has to be allowed. The impugned notice dated 30.03.1976 and the order of the Appellate Tribunal dated 23rd May, 1978 are quashed.*
> *Learned counsel for the petitioner states that though an order of forfeiture was passed, the properties have always remained in the possession of the petitioner. In view of this no orders regarding release of the properties need to be made.*"

g) The order dated 06.05.1985 passed by this Court in Civil Writ Petition No.1175/1978 was sought to be reviewed by the Union of India by filing a review petition on the ground that the said order was passed on a mis-statement made by the counsel for the petitioner. Material on record shows that a letter dated 09.09.1985 was written to the Deputy Legal Advisor, Ministry of Law & Justice, Govt. of India by Shri D.K. Kapur, Central Govt. Standing Counsel, intimating that C.W.P. No. 1175/1978 vide F.No. 420/78 filed by the Union of India has been allowed which means that the Writ was restored to its original number. Material on record shows that the Writ Petition was listed for hearing on 02.12.1985.

h) Admittedly, Mr. Jagdish Mitra *vide* a Sale Agreement dated 17.10.1989 sold the subject property to one Smt. Neelima

Arora, who in the year 1991 sold the said property to one Mr. Ratan Lal Jain. He further sold the subject property in the year 1992 to one Mr. Sanjay Goel, who in turn in the year 1995 sold it to Mr. Babu Lal Jain.

i) In the meantime, Writ petition No. C.W.P. No. 1175/1978 after the review was allowed, was relisted and transferred to the bench comprising of Chief Justice of this Court for re-adjudication. Finally, the writ was dismissed on 16.05.2002 for non-appearance of Mr. Jagdish Mitter on second call by the Hon'ble Chief Justice, Delhi High Court. As stated, Mr. Jagdish Mitter had already sold the property and was, therefore, not interested in the proceedings before the Court.

j) On 17.06.2008, the respondent no.1 sent a letter to the SHO, Lodhi Road Police Station stating that service of summons for hearing to Mr. Jagdish Mitter were returned with endorsement as '*no such person or address left*' and as the case was scheduled for hearing on 25.06.2008 before the Competent Authority, SAFEM(FOP) Act, 1976, service be made upon Mr. Jagdish Mittar in person or through affixture at the last known address in the presence of two independent witnesses on top priority.

k) On 20.07.2009, the subject property was sold to the petitioner herein by the last owner Mr. Babu Lal Jain vide a registered Sale Deed for a valid consideration of Rs. 52,00,000/-.

l) Resuming the process under SAFEM(FOP) Act, 1976 against Mr. Jagdish Mitter, respondent no.1 on 09.03.2016 sent two notices under section 6(2) SAFEM(FOP) Act, 1976, one to

Legal heirs of Mr. Sukhdev Singh, who upon investigation was found in possession of one of the forfeited properties (*House property No. 68-69, J.J. Colony, Moti Bagh-II, New Delhi*) and the second notice was sent to Mrs. Usha Kiran, W/o Jagdish Mitter, to show cause and explain the source of purchase of the same property as above.

m) Thereafter, on 23.03.2017, the respondent no.1 after considering the reply of the Affected person- Mr. Jagdish Mitter and on the basis of material on record, passed the detailed impugned forfeiture order dated 23.03.2017. The operative part of the impugned order which has been challenged by the petitioner herein is reproduced herein below for reference:

> ***"Plot of Land No. C-136, Jhilmil, Tahirpur, Residential scheme Delhi.***
>
> ***Findings*:**
> *Keeping in view the submissions filed by Shri Jagdish Mitter with regard to this property i.e. Plot of Land No. C-136, Jhilmil, Tahirpur, Residential scheme Delhi and the evidences filed by him, my findings are as below:*
> *The AP has stated that the plot was purchased m auction held by Delhi Development Authority (DDA) in December, 1996 for a sum of Rs.l1,000/-. The AP paid a sum of Rs.2,780/- in cash on 04.12.1966 at the time of bidding and rest of the amount was paid in the month ofFebruary,.1968 after taking of loan of Rs.lO,OOO/- from Shri Sukhdev in the month of November, 1966. On examination of the records, it is seen that the AP has not produced any documentary evidence for taking a loan of Rs.10,000/- from Shri Sukhdev except copy ested of pass book of Shri Sukhdev. The said passbook does not reflect any entry of loan amount given by Shri Sukhdev to the AP. The photocopies of the alleged sale deeds pertaining to the*

sale of agricultural land by Shri Sukhdev are unsigned, unregistered and illegible. Hence, authenticity of the documents cannot be verified. Moreover, the original sale deeds/documents have not been produced by the AP, hence the authenticity of the same cannot be ascertained. Hence, the investment in the above property remains unexplained.

In view of the close perusal of the written arguments submitted, documents filed and evidences adduced during the course of proceedings in this case, the burden of proof u/s 8 of SAFEM(FOP) Act, 1976 which lies upon the AP has not been discharged. Therefore, the subject property No. (2) Le. Plot of Land No. C-136, Jhilmil Tahirpur, Rential scheme Delhi is hereby forfeited to the Central Government free from all encumbrances in terms of provisions of section 7(1) & (3) of the SAFEM(FOP) Act, 1976."

n) Vide notice dated 29.07.2021, respondent no.2 directed the petitioner herein being the owner of property no. C-136, Vivek Vihar Phase-1, Delhi to appear in the office of respondent no.2 alongwith full chain of property documents of property no. C-136, Vivek Vihar Phase-1, Delhi, within 3 days. The notice of inspection was replied to by the petitioner herein vide reply dated 09.08.2021, wherein the complete chain of transfer was mentioned and it was further stated that the petitioner herein is the complete owner and possessor of property no. C-136, Vivek Vihar Phase-1, Delhi and that the previous owner Mr. Babu Lal Jain got converted the subject property from leasehold to freehold from DDA vide Conveyance Deed dated 25.10.1996, which was duly registered.

o) After receiving the reply on behalf of the petitioner, the respondent no.2/SDM, Vivek Vihar passed the impugned eviction notice dated 08.09.2021 and ordered the petitioner to deliver the possession of property no. C-136, Vivek Vihar Phase-1, Delhi within 30 days of the receipt of the notice in accordance with directions received from the office of the respondent no.1/Jt. Commissioner, Office of Competent Authority, SAFEM(FOP) Act, 1976 informing that property no. C-136, Vivek Vihar Phase-1, Delhi (previously Jhilmil Tahirpuur, Residential Scheme, Delhi) stands forfeited to the Central Government by virtue of order passed under section 7(1)&(3) of the SAFEM(FOP) Act, 1976 dated 23.03.2017, which is also impugned before this Court.

4. Notice was issued in the present writ petition by this court and the pleadings stand complete.

5. Learned Counsel appearing on behalf of the Petitioner submits that the petitioner herein was completely unaware of the eviction notice dated 08.09.2021and he was informed about the same only on 22.01.2022 by the Police officials when they visited his house, i.e.,12 years after purchasing the subject property. It is submitted that the petitioner is a *bona fide* purchaser of the subject property and the same is evident from the registered sale deed dated 20.07.2009, which was executed by him after carefully going through the complete chain of previous title. It is further contended by the learned Counsel for the Petitioner that Mr. Jagdish Mitra, who was the original owner of the property in question had sold the said property way back in 1989 to Smt. Neelima Arora who in turn sold it to Mr. Ratan Lal Jain who further sold the property to Mr. Sanjay Goel, who in turn sold the property to Mr. Babu Lal Jain and Mr. Babu Lal Jain sold the property to the Petitioner herein. He states that all the sales were legally executed Sale

Deeds and none of the vendors were ever informed that the property in question stood attached under the proceedings initiated under the SAFEM(FOP) Act, 1976. It is further stated that there is a Conveyance Deed in favour of Mr. Babu Lal Jain which was issued by the DDA and the Petitioner is a bonafide purchaser from Mr. Banu Lal. The property was then not available for attachment under the SAFEM(FOP) Act. It is further stated by the learned Counsel for the Petitioner that the Petitioner, who is a bona fide purchaser of the property in question, was not given any hearing, which is mandatory under the SAFEM(FOP) Act, 1976, by the Respondents before the attachment order was passed. He also submits that in any event a *bona fide* purchaser does not fall within the ambit of Section 2 of the SAFEM(FOP) Act, 1976.

6. Learned Counsel for the Petitioner places reliance on the Judgment of the this Court in Gulshan Ahuja and Ors. Sudesh Ghai and Anr. Sarvajeet Khosla vs UOI & Anr., **(2004) 12 DEL CK 0065**, wherein this Court has held as under:

> "***39.*** *It may, however, be noticed that there is apparently no methodology by which information is sent to the registering authority about any proceedings under Section 6 of SAFEMA and the result is that if a purchaser was to make any enquiries, he would not come to know of the pendency of any proceedings under SAFEMA or the fact that the validity of the transaction to be made by him would itself be called into question. I thus consider it appropriate to direct that at least in future the competent authority must take due care to send intimation of any notice under Section 6 of SAFEMA to the registering authority and in case of leasehold properties to the perpetual lessors. Needless to say if the proceedings do not culminate in an order under Section 7, on culmination of the proceedings, the intimation of dropping of the proceedings should be intimated. This would equally*

apply if an order was passed under Section 7 of SAFEMA.

*****

42. *In the present case, however, an important aspect to be considered is the 18 years' delay in passing the order between the date of issuance of the notice under Section 6 and the passing of the order under Section 7 of SAFEMA. The Appellate Tribunal in certain cases referred to by learned counsel for the petitioner has found such delays fatal. In my considered view, if the properties had continued to vest with the original owners, even this inordinate delay of 18 years could not have influenced the decision to be arrived at in the matter. However, the material fact in the present case is that the properties have been purchased through Regd. documents by bona fide purchasers when the Department itself had delayed the proceedings for 18 years. This delay has occurred despite the fact that Shri H.K. Sarin had responded to the notice in 1981 and there was no interdict by any competent court in passing the order. Even if more than one property was involved, a delay of such magnitude cannot be expected.*

43. *I am not in agreement with the findings arrived at by the Appellate Tribunal that the purchasers had to do anything more than what they had done. Any enquiry from the Registry would have served no purpose since no intimation is sent to the Registrar's office. Thus, a bona fide purchaser was required to look into the previous title and see whether any doubts were cast on the property. There was no manner by which petitioners could have known of the notice under Section 6 of SAFEMA.*

44.*The most material aspect while considering the aforesaid plea is the factum of the execution of the conveyance deeds in 1996 by the President of India through the Land and Building Department in favour of Shri H.K. Sarin and Shri S.K. Sarin. The sale deeds in favour of the petitioners had been duly registered and proceeded on the premises of the title in favour of* *the vendors in pursuance to such conveyance deeds. If the proceedings were continuing under SAFEMA, there was no occasion for the Government to have executed the conveyance deeds in favour of Shri H.K. Sarin and Shri S.K. Sarin. No doubt, this has also arisen on account of the absence of any procedure by the authorities to send intimation of such proceedings under Section 6 of SAFEMA to the perpetual lessor.*

*****

46*.If the aforesaid plea were to be accepted, then petitioners must be compensated for the loss caused to them by the action of the Government of India and certainly this court in proceeding under Article 226 of the Constitution of India would be competent to do so where the consequence is writ large on its face. If the properties were to be forfeited, they would be put up for auction. The prices which the properties would fetch from the auction, would be the only adequate compensation to the petitioners who were deprived of their property in pursuance to the proceedings under the SAFEMA. The result would be that the property would be taken from one hand and the compensation given to the petitioners on the other hand. It would not amount to appropriation to the Government of any realisations from the forfeited property. The Government cannot be given a premium for one limb of the Government not knowing what is happening in the other limb.*

47*.In my considered view, this aspect cannot be ignored despite the stringent provisions of SAFEMA. If the delay of 18 years is considered along with this aspect of the Government itself having executed the conveyance deed 16 years after the notice was issued under Section 6 of SAFEMA and the petitioners having purchased the property vide Regd. Deeds on the basis of such conveyance deeds, the properties which lie in the hand of the petitioners cannot be forfeited under the provisions of Section 7 of SAFEMA.*

48*. In view of the aforesaid, a writ of mandamus is issued quashing the impugned orders of the appellate* *authority and the competent authority forfeiting the properties of the petitioners. The rule is made absolute leaving the parties to bear their own costs."*

7. The Ld. Counsel for the petitioner also submits that after the impugned Eviction order was received by the petitioner, he had approached the ATFP as on 24.02.2022 by filing an Appeal bearing no. FPA No.135/DLI/22 to challenge the impugned orders herein. However, it transpired that the ATFP was not functioning as there was a vacancy at the post of its Chairman and Member/s. Hence, the present writ petition came to be filed.

8. *Per contra*, learned Counsel appearing for Respondent No.1 submits that the order of forfeiture has been appropriately passed after following the legal requirements under the SAFEM(FOP) Act, 1976. A show cause notice under section 6(1) was followed by notices under section 6(2) and thereafter an order for forfeiture was passed under section 7 of the SAFEM(FOP) Act. An opportunity of filing submissions and hearing was also provided to the Accused Person, Mr. Jagdish Mitter. Further, it has been submitted that an appropriate procedure for identifying the plot of land was also carried out by the respondents and only thereafter a notice of forfeiture and eviction was passed.

9. Heard the Ld. Counsels for the parties and pursued the material on record.

10. It is an admitted fact that property bearing Plot no. 136, block-C, Vivek Vihar, Delhi (previously known as Plot no.136, block-C, Jhilmil Tahirpur residential scheme) was purchased by Mr. Jagdish Mitter from DDA vide a perpetual lease deed dated 06.12.1971. It is also part of the record that a detention order under section 3(1) of Conservation of Forgein

Exchange and Prevention Of Smuggling Activities Act, 1974 was issued against Mr. Jagdish Mitter, whereafter he was sent a Show Cause Notice dated 30.03.1976 under section 6(1) of SAFEM(FOP) Act, 1976 by the respondent no.1 and a Forfeiture Order dated 27.04.1977 under section 7(1) of the SAFEM(FOP) Act, 1976. The forfeiture order came to be challenged before ATFP, which was set aside by the ATFP *vide* order dated 23.05.1978 giving an opportunity of being heard to the appellant/ Mr. Jagdish Mitter and allowing him to file a reply to the Show Cause Notice dated 30.03.1976 issued under Section 6. Section 6 and 7 of the SAFEM(FOP) Act, 1976 are being reproduced herein for the sake of reference:

> ***"6. Notice of forfeiture.***
>
> *(1) If, having regard to the value of the properties held by any person to whom this Act applies, either by himself or through any other person on his behalf, his known sources of income, earnings or assets, and any other information or material available to it as a result of action taken under section 18 or otherwise, the competent authority has reason to believe (the reasons for such belief to be recorded in writting) that all or any of such properties are illegally acquired properties. it may serve a notice upon such person (hereinafter referred to as the person affected) calling upon him within such time as may be specified in the notice, which shall not be ordinarily less than thirty days, to indicate the sources of his income, earnings or assets, out of which or by means of which he has acquired such property, the evidence on which he relies and other relevant information and particulars, and to show cause why all or any of such properties, as the case may be, should not be declared to be illegally acquired properties and forfeited to the Central Government under this Act.*
>
> *(2) Where a notice under sub-section (1) to any specifies any property as being held on behalf of such*

person by any other person. a copy of the notice shall also be served upon such other person.

7. Forfeiture of property in certain cases.

(1) The competent authority may, after considering the explanation, if any, to the show- cause notice issued under section 6, and the materials available before it and after giving to the person affected (and in a case where the person affected holds any property specified in the notice through any other person, to such other person also) a reasonable opportunity of being heard, by order, record a finding whether all or any of the properties in question are illegally acquired properties.

(2) Where the competent authority is satisfied that some of the properties referred to in the show- cause notice are illegally acquired properties but is not able to identify specifically such properties then, it shall be lawful for the competent authority to specify the. properties which, to the best of its judgment, are illegally acquired properties and record a finding accordingly under sub-section (1).

(3) Where the competent authority records a finding under this section to the effect that any property is illegally acquired property, it shall declare that such property shall, subject to the provisions of this Act, stand forfeited to the Central Government free from all encumbrances.

(4) where any shares in a company stand forfeited to the Central Government under this Act, then, the company shall, notwithstanding anything contained in the Companies Act, 1956 (1 of 1956), or the articles of association of the company, forthwith register the Central Government as the transferee of such shares."

11. It is also clear from the material on record that the ATFP Order dated 23.05.1978 came to be challenged by way of W.P. No.1175/1978 before this

court wherein Show Cause Notice dated 30.03.1975 and ATFP order dated 23.05.1978 were challenged by the appellant. The writ petition stood allowed vide order dated 06.05.1985, thereby setting aside the Show Cause Notice and the ATFP Order.

12. It is also an admitted fact that the order dated 06.05.1985 passed in the writ petition was challenged by way a review petition by the Union of India, which stood allowed. The petition was re-listed for hearing, and due to non-appearance of the petitioner therein/Mr. Jagdish Mitter, it stood dismissed vide order dated 16.05.2022 by this court.

13. Mr. Jagdish Mitra sold the subject property to Smt. Neelima Arora vide a Sale Deed dated 17.10.1989. Smt. Neelima further sold the subject property to Shri Rattan Lal vide a Sale Deed dated 11.11.1991 who inturn sold it to Shri Sanjay Goel in the year 1992. Shri Sanjay Goel finally sold the subject property to Mr. Babu Lal Jain vide a Sale Deed dated 18.05.1995. Thereafter, the subject property was converted from lease hold to free hold vide a Conveyance Deed dated 25.10.1996, by DDA. Mr. Babu Lal Jain, thereafter, sold the property in question to the Petitioner herein vide a registered Sale Deed dated 20.07.2009.

14. The orders annexed in the present petition show that the Writ petition No.1175/1978 filed by Mr. Jagdish Mitra came to be listed before this Court on 24.04.2002 and was dismissed *vide* order dated 16.05.2002. After the dismissal of the Writ petition, the subject property changed hands again and the same was sold *vide* a registered Sale Deed dated 20.07.2009 to the petitioner herein.

15. In the year 2017, the Respondent No.1 resumed the process of forfeiture of the subject property by issuing notices under section 6(2) of the SAFEM(FOP) Act, 1976 to the relatives of Mr. Jagdish Mitter. The order of

forfeiture which was passed on 23.03.2017 is addressed to Mr. Jagdish Mitter. Only in the year 2021, the respondent no.1 and 2 informed the petitioner herein about the subject property being an illegally acquired property under the SAFEM(FOP) Act, 1976. Moreover, the impugned notice of Eviction dated 08.09.2021 was handed over to the petitioner herein, without prior notice and without affording the petitioner an opportunity of being heard.

16. No reason is forthcoming regarding the inaction on the part of the Respondents between the year 2002 to the year 2017 i.e., between the period of dismissal of the writ petition and the issuance of notices under section 6(2) SAFEM(FOP) Act, 1976. No notice was sent to the petitioner herein by the respondents under the SAFEM(FOP) Act, 1976.

17. It is clear that the Petitioner is a bona fide purchaser of the property in question who took all the reasonable precautions. Moreover, no intimation has ever been given by the Respondents to the Registrar of Documents stating that pursuant to the proceedings initiated under the SAFEM(FOP) Act, 1976, no interest can be created on the property in question.

18. As stated above, the property in question already stood conveyed in the name of Mr. Babu Lal, from whom the Petitioner has purchased the same. Meaning thereby that the authorities/relevant departments were never informed by the Respondents that the property in question could not be conveyed being embroiled in litigation. After having perfected his title, the Petitioner cannot be deprived of the property in question and more so when the Respondents did not bother take care to find out as to who is in the actual physical possession of the property before initiating the proceedings under the SAFEM(FOP) Act, 1976. Had the respondents taken even the slightest care/caution to find out as to whether the property in question had

changed hands or not during the interregnum when the matter stood in abeyance, during the pendency of the writ and the review, the order which is impugned in the present writ petition would not have been passed and that too without giving any type of hearing to the Petitioner herein.

19. In the facts of this case, this Court is not inclined to relegate the Petitioner to approach the Tribunal constituted under the SAFEM(FOP) Act, 1976 to get the property released. The Apex Court in Winston Tan v. Union of India, **(2012) 10 SCC 222,** has held that SAFEM(FOP) Act, 1976 does not apply to a transferee who has purchased the property in good faith or by paying adequate consideration. In the present case, the Petitioner has purchased the property in question in good faith by paying adequate consideration and further the same stands registered by the Registrar of Documents.

20. In view of the above, the Writ Petition is allowed. The Notice dated 08.09.2021 is set aside. Pending applications, if any, also stand disposed of.

SUBRAMONIUM PRASAD, J

AUGUST 08, 2023
hsk