



\$~18

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

+ **W.P.(C) 8021/2023**

AMIT MALIK

.....Petitioner

Through: **Mr. Akash Gupta, Adv. (thru VC)**

versus

UNION OF INDIA & ORS.

.....Respondents

Through: **Mr. Nitinjya Chaudhary, Senior Panel Counsel with Mr. K. Chandel, Adv. for R-1/ UOI.**
Ms. Ruchika Rathi, Adv. for L&B Deptt.
Ms. Manika Tripathy, SC with Mr. Ashutosh Kaushik, Advocate for DDA

CORAM:

HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

18.12.2025

%

1. Prayer of petitioner is in relation to the declaration of acquisition proceedings under Land Acquisition Act, 1894 ("**Act of 1894**") as *ultra vires Articles 300 and 14 A* of Constitution of India, 1950.
2. It is the case of petitioner that he is in physical possession of property admeasuring *253.73sq. metres*, comprising of two built-up plots measuring *130 sq. metres. bearing No. 78/A-4* and *123.73 sq. metres. bearing No. 78/A-5* in *Khasra no. 30/11*, Village of Revenue Estate Pansali, Deep Vihar Colony, Pansali, Delhi.
3. It is his case that he has acquired this land by virtue of various sale deeds, Power of Attorneys etc. and pleadings, in relation to which, read thus:



“19. That as a matter of fact, petitioner is the owner and in possession of built up property bearing No. 78/A-5 total admeasuring 129.59 square meters, which was purchased by him from its erstwhile owner, namely Smt. Charu Chugh, Smt. Madhu Bala and Smt. Veena Malik vide chain of sale documents dated 31.10.2014 comprising of Agreement of Sale & Purchase, General Power of Attorney, Payment Receipt, Deed of WIIL, Letter of Possession and Affidavit dated 31.10.2014. Petitioner purchased property bearing No. 78/A-4 admeasuring 123.73 sq. mtrs. in Khasra no. 30/11, Village of Revenue Estate Pansali, Deep Vihar Colony, Pansali, Delhi from its erstwhile owner Smt. Kamlesh vide chain of sale documents dated 12.5.2017.”

4. Based on above, it is his contention that *Section 4* notification dated 27th October 1999, *Section 6* notification dated 20th March 2013, as well as *Award No.4/2011-12/DC (NW)*, are illegal and are liable to be quashed and set aside.

5. As far as land in *Khasra no. 30/11*, Village Pansali is concerned, petitioner claims to have acquired the right, title and interest in the said land post the date of Award as referred above, much less post *Section 4* and *Section 6* notifications. It is case of the petitioner that he himself has acquired title to the land in 2017 under various sale documents. The respondents have disputed the title of the petitioner to the land in question based on the pleadings as none of the title deeds are produced on record justifying the said claim.

6. If we see notification under *Section 4*, we are unable to convince ourselves as regards the acquisition of land *Khasra no. 30/11*, Village Pansali as we see no such *khasra* number in *Section 4* notification relied upon by the petitioner.



7. A perusal of affidavit placed on record by the Land Acquisition Collector (LAC) narrates altogether different set of dates of acquisition. Also affidavit of respondent no.6, specifically states that the land in question was acquired under the *Act of 1894* by issuing notification under *Section 4* on 27th October 1999, *Section 6* notification dated 03rd April 2000 and 20th March 2013 and *Award No.4/2011-12*.

8. The said affidavit is part of record and proceedings of this Court to which no rejoinder is placed by the petitioner disputing the pleadings of the respondent.

9. Apart from above, the land to the extent of *Khasra* no. 30/11, Village Pansali is concerned, possession receipt of same is already produced on record by the respondents which is claimed to have been acquired under the *Award No.4/2011-12*.

10. In the aforesaid background of factual matrix, having appreciated the very conduct of the petitioner of allegedly acquiring the title and interest post *Section 4* notification dated 27th October 1999 in backdrop of law laid down by the Apex Court in the matter of *Shiv Kumar v. Union of India* (2019) 10 SCC 229, the purchase of land post notification under *Section 4* is not permissible and such transactions are *void ab initio*. For ease of reference, relevant paragraphs are extracted as under:

“18. Even otherwise, proviso to Section 24(2) does not recognise a purchaser after Section 4 notification inasmuch as it provides that where an award has been made, and the compensation in respect of a majority of landholdings has not been deposited in the account of the beneficiaries, then, all beneficiaries specified in the notification for acquisition issued under the 1894 Act, shall be entitled to compensation under the provisions of the 2013 Act. The proviso makes it clear that in case of compensation concerning the majority of landholdings has



not been deposited, then recorded owner(s) at the time of issuance of notification under Section 4 of the 1894 Act shall have the right to receive the compensation. Purchasers after Section 4 notification have not been given the right to receive the higher compensation under the provisions contained in the 2013 Act.

19. The 2013 Act presupposes that a person is required to be rehabilitated and resettled. Such a person who has purchased after Section 4 notification as sale deed is void under the 1894 Act, cannot claim rehabilitation and resettlement as per policy envisaged under the 2013 Act, as his land has not been acquired, but he has purchased a property which has already been acquired by the State Government, he cannot claim even higher compensation, as per proviso to Section 24(2) under the 2013 Act. An original landowner cannot be deprived of higher value under the 2013 Act, which higher compensation was not so contemplated when the void transaction of sale had been entered, and right is conferred under the proviso to Section 24(2) on recorded owners under the 1894 Act. We have come across instances in which after notifications under Section 4 were issued and, the property was purchased at throwaway prices by the builders and unscrupulous persons, such purchases are void and confer no right even to claim higher compensation under Section 24(2) of the 2013 Act as it is to be given to the owner as mentioned in the notification.”

11. In such an eventuality, not only the petition, in our opinion, involves disputed question of facts, but also the petitioner, in our opinion, has no *locus* to question the acquisition, having purchased the land post the Award being passed under the *Act of 1894*.

12. That being so, we reject the request made by counsel for petitioner in view of objections raised by counsel for respondent.

13. For the reasons recorded hereinabove, the petition stands dismissed.

14. Pending applications, if any, are rendered infructuous.



15. Order be uploaded on the website of this Court.

NITIN WASUDEO SAMBRE, J

ANISH DAYAL, J

DECEMBER 18, 2025/sm/tk