

(1995) 04 SC CK 0103

In the Supreme Court Of India

Case No : Spl. Leave Petition (Civil) No. 9886 of 1987

Sunil Kumar Jain

APPELLANT

Vs

Kishan and others

RESPONDENT

Date of Decision : 27-04-1995

Acts Referred:

Delhi Lands (Restrictions on Transfer) Act, 1972 — Section 4
Land Acquisition Act, 1894 — Section 18, 30, 4
Transfer of Property Act, 1882 — Section 53A

Citation : AIR 1995 SC 1891 : (1995) 3 SCALE 682 : (1995) 4 SCC 147 : (1995) 3 SCR 855 : (1995) 2 UJ 558

Hon'ble Judges : K. Ramaswamy, J;B.L. Hansaria, J

Bench : Division Bench

Advocate : V.J. Francis, for the Appellant;

Final Decision : dismissed

Judgement

1. Notification u/s 4(1) of the Land Acquisition Act was published on November 17, 1980 acquiring the lands in question. The Collector made an award for a sum of Rs. 38,500. Since the petitioner laid claim for a higher amount, a reference u/s 18 was made. The civil court disbelieved the agreement of sale put forth by the petitioner; therefore, reference was ordered in favour of the respondents. In appeal, the High Court said that the said agreement was in violation of Section 4 of the Delhi Land (Restriction & Transfer) Act, 1972 and that, therefore, the agreement is void. Accordingly, the findings of the Reference Court was accepted. Thus, this appeal by Special Leave.

2. Learned counsel appearing for the petitioner contended that the under the agreement of sale dated 5th December, 1981 the respondents had received consideration and kept the petitioner in possession of the land and that, therefore, by operation of Section 53-A of the Transfer the Property Act, the petitioner is entitled to the compensation. We are unable to agree with the learned Counsel. In a reference, the dispute is to the title to receive the

compensation. It is settled law that the agreement of sale does not confer title and, therefore, the agreement holder, even assuming that the agreement is valid, does not acquire any title to the property. It is seen that the agreement is subsequent to the notification u/s 4(1). The Government is not bound by such an agreement. The inter-se dispute is only with respect to the title as on the date of notification u/s 4(1). The Respondent is the undoubted owner of the property as per Section 4 notification and that, therefore, the compensation was directed to be paid to the respondent since he is one of the members. We cannot find any illegality in the order passed by the Courts. However, if the petitioner has got any claim u/s 30 of the Land Acquisition Act, it is open to him to take such action as open to him under law.

3. The SLP is accordingly dismissed.