

\* THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 11<sup>th</sup> April, 2008

+ W.P.(C) 33/2008

MADU SINGH & ORS ..... Petitioner  
Through Mr. Pankaj Vivek, adv.

versus

UOI & ORS ..... Respondent  
Through Mr. D.N. Dewan, adv. for R-1.  
Mr. Sanjay Poddar, adv. for LAC

**CORAM:**  
**HON'BLE MR. JUSTICE T.S. THAKUR**  
**HON'BLE MS. JUSTICE ARUNA SURESH**

1. Whether reporters of local papers may be allowed to see the judgment? Not Necessary
2. To be referred to the Reporter or not? Not Necessary
3. Whether the judgment should be reported in the Digest? Not Necessary

**Per Thakur, J :**

This writ petition calls in question the validity of a notification under Section 4 read with Section 17 of the Land Acquisition Act proposing to acquire land for the public purpose of setting up of a Sewage Treatment Plant (STP) in village Kapashera, Tehsil Vasant Kunj, New Delhi and a declaration under Section 6 of the said Act. Learned counsel for the petitioner submitted that the issues that arise for consideration in this petition are similar to the ones that fell for determination of this Court in ***M/s Deepak Resorts & Hotels Pvt. Ltd. And Anr. v. Union of India and Others*** (CWP 9005/2007) and ***Gramin Uthan Avam Jankalyan Samiti (Regd.) v. Government of NCT of Delhi and Others*** (CWP 6526/2007). Both these petitions have been dismissed by us by separate orders

passed on 8<sup>th</sup> February, 2008. In Gramin Uthan's case, this Court has examined issues concerning environment raised by the petitioner by reference to the construction of the proposed sewage plant at Kapashera and come to the conclusion that the said plant does not violate any statutory provision nor does it involve any hazards of environmental pollution for the residents of the area. This Court has noticed that the Monitoring Committee headed by the Chief Secretary had deputed experts to examine the suitability of the site for setting up of the STP and recommended that the site in question was suitable for that purpose. The concerns expressed by the Samiti had thus been looked into and found to be without any basis. This Court, therefore, found no reason for interference.

2. In Deepak Resorts case, the validity of the impugned notification under Section 4 and 17 and declaration under Section 6 of the Land Acquisition Act were examined by this Court. Repelling the contentions urged by the petitioners, this Court found that neither the preliminary notification under Section 4 read with Section 17 of the Act nor the declaration under Section 6 suffered from any illegality or irregularity to call for any interference. The questions raised in this petition, thus, stand fully answered by the said two decisions. Consequently, this petition must fail on a parity of reasoning.

3. In the result, this writ petition fails and is hereby dismissed but in the circumstances without any orders as to costs.

**T.S. THAKUR,J**

**ARUNA SURESH, J**

FEBRUARY , 2008  
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