

\$~76

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

+ W.P.(C) 4531/2014 & CM 9027/2014

NAVAL KISHORE AND ORS

..... Petitioners

Through: Mr Akhil Sachar, Adv.

versus

LT. GOVERNOR, NCT OF DELHI AND ORS

..... Respondents

Through: Mr Yeeshu Jain, Adv. with Ms Jyoti Tyagi, Adv.
for L&B/LAC.

Mr Arjun Pant, Adv. for DDA.

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

%

24.03.2015

On 21.02.2015 this court had passed the following order:-

“The case of the petitioner is that their lands specified in Schedule-A at page 19 of the paper book were part of the Section 4 notification dated 27.10.1999, but did not form part of the Section 6 declaration made on 03.04.2000. However, a second Section 6 declaration has been made on 20.03.2013 after the Section 6 declaration dated 03.04.2000 was quashed by the Supreme Court. In the second Section 6 declaration, the petitioners' lands falling in Khasra Nos. 34 and partly in Khasra No. 27, have been included.

It is the specific case of the petitioners that the acquisition has lapsed insofar as their lands are concerned because of the fact that the Section 6 declaration was not made within the period of one year stipulated in Section 6 of the Land Acquisition Act, 1894. They placed reliance on the Supreme Court decision in **Padmasundara Rao and Others v. State of Tamil Nadu and Others: (2002) 3 SCC 533.**

The learned counsel for the respondents seeks some time to verify as to whether the lands of the petitioners, as set out at page 19 of the paper book,

were part of the Section 6 declaration made on 03.04.2000 or not.

Renotify on 17.03.2015.

Interim order to continue.”

The learned counsel for respondent nos. 1, 2 and 4 has now verified that the petitioners’ lands were not part of the section 6 declaration made on 03.04.2000. They have been included in the second Section 6 declaration which has been made on 20.03.2013. Clearly this is barred being beyond the period of one year stipulated under the Land Acquisition Act, 1894 for making a declaration under Section 6. Therefore, in view of the clear settled position as per the decision of the Supreme Court in the case of **Padmasundara Rao** (*supra*) and the decision of this Court in **Sunil Goel & Ors. v. The State and Ors. (2014) 211 DLT 382**, the acquisition proceedings pursuant to the Section 4 notification dated 27.10.1999 are declared to have been lapsed.

The writ petition is allowed.

BADAR DURREZ AHMED, J

SANJEEV SACHDEVA, J

MARCH 24, 2015

kbs