

THE HIGH COURT OF DELHI AT NEW DELHI

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Judgment delivered on: 01.09.2015

+ W.P.(C) 3037/2015 and CM No. 5430/2015

**PREMADHAR MEMORIAL CHARITABLE TRUST THROUGH ITS
TRUSTEE**

... Petitioner

versus

UNION OF INDIA AND OTHERS

... Respondents

Advocates who appeared in this case:-

For the Petitioner : Mr Rajesh Gupta, Mr Harpreet Singh and
Mr Moolchand Verma

For the Respondent Nos.1&2 : Mr Anuj Aggarwal

For the Respondent Nos.3&5 : Mr Yeeshu Jain and Ms Jyoti Tyagi

For the Respondent No. 4 : Mr Sanjeev Sabharwal

CORAM:-

HON'BLE MR JUSTICE BADAR DURREZ AHMED

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

BADAR DURREZ AHMED, J (ORAL)

1. This writ petition pertains to Khasra No. 29//16/1 comprising of 4 bighas and 10 biswas in Revenue Estate of Village Pansali, Delhi. The case of the petitioner is that the acquisition proceedings which were initiated by virtue of the notification dated 27.10.1999 issued under Section 4 of the Land Acquisition Act, 1894 have lapsed on account of the fact that the Section 6 declaration has not been made within the stipulated period of one year. Reliance has been placed on the decision of the Supreme Court in the case of

Padma Sundara Rao v. The State of T.N: (2002) 3 SCC 533 as also on the decision of this court in **Sunil Goel & Ors v. The State & Ors**, W.P.(C) No. **3049/2013**, decided on 29.04.2014

2. As mentioned above, the Section 4 notification was issued on 27.10.1999. This was followed by a declaration under Section 6 on 03.04.2000, that is, after five months and 6 days of the Section 4 notification. The said acquisition was challenged by the petitioner in this Court as well as before the Supreme Court and, ultimately, on 21.03.2012 the Supreme Court in Civil Appeal No. 3009/2012 quashed the said Section 6 declaration dated 03.04.2000. The Supreme Court, however, gave liberty to the respondents to invite objections under Section 5A of the said Act in respect of the Section 4 notification dated 27.10.1999 and proceed with the matter in accordance with law.

3. Thereafter, notices were issued inviting objections under Section 5A of the said Act and, ultimately, a fresh Section 6 declaration was issued on 20.03.2013, that is, exactly 12 months after the decision of the Supreme Court which was rendered on 21.03.2012. It is the case of the petitioner that the Section 6 declaration dated 20.03.2013 is also liable to be set aside on account of the fact that it has not been issued within one year of the notification under Section 4. Initially a period of 5 months and 6 days had elapsed between the

issuance of the notification under Section 4 and the first declaration under Section 6. The second Section 6 declaration ought to have been completed within the balance period of 6 months and 24 days but, the respondents took a full 12 months to issue the declaration under Section 6. In other words, even if the period is computed by giving benefit of the period spent before the High Court and the Supreme Court, the Section 6 declaration issued on 20.03.2013 was issued after 17 months and 6 days of the Section 4 notification, which is clearly beyond the period of one year prescribed in Section 6 of the said Act. This being the position, following the decisions in the case of **Padma Sundara Rao** (*supra*) and **Sunil Goel** (*supra*), the declaration under Section 6 of the said Act dated 20.03.2013 is quashed insofar as the petitioner is concerned. As a result, the notification dated 27.10.1999 being notification No. F.10(29)/96/L&B/LA/11394 issued under Section 4 of the said Act insofar as the petitioner's land is concerned, would also be regarded as having lapsed.

4. The writ petition is allowed as above. There shall be no order as to costs.

BADAR DURREZ AHMED, J

SANJEEV SACHDEVA, J

SEPTEMBER 01, 2015
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