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

% *Date of Judgment: 15th November, 2017*

+ **W.P. (C.) No.2849/2016**

SHAKUNTALA DEVI

..... Petitioner

Through Mr. V.S. Tomar, Advocate

versus

GOVT OF NCT OF DELHI AND ORS

..... Respondents

Through Mr. Sanjay Kumar Pathak, Mr. Sunil Kumar Jha and Mr. Kushal Raj Tater, Advocates for L&B/LAC.
Mr. Nikhil Goel and Mr. Ashutosh Ghade, Advocates for DDA.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE V.KAMESWAR RAO

G.S.SISTANI, J. (ORAL)

1. Counter affidavit has been handed over in Court by the counsel for the LAC. The same is taken on record.
2. Present petition has been filed under Article 226 of the Constitution of India by the petitioner, seeking following prayers:

“A) issue appropriate writ, order, direction in the nature of writ of certiorari to quash and set aside Public Notice dated 21st November, 2012 issued by the Government of NCT of Delhi through the respondent no.2 Land Acquisition Collector, New Delhi pursuant to Notification bearing No.F9(12)/95/L&B/LA/9743 dated 27th June 1996. As more than one year passed and no declaration under Section 6 of the Old Act has been made;

- B) to declare proceedings initiated by DDA under Section 5A of the Land Acquisition Act, as non-est in the eyes of law at this belated stage as invocation of emergency clause has become a farce;
 - C) to declare that the land acquisition proceedings initiated in respect of the Khasra Numbers enumerated in the GPA to have lapsed; and
 - D) Any other further relief as deemed appropriate in the facts and circumstances of the case.”
3. Mr. Tomar, learned counsel appearing for the petitioner submits that the petitioner is entitled to declaration that the acquisition proceedings *qua* subject matter of this writ petition with respect to the land comprised in Khasra no.1167(2-8) situated in the revenue estate of Rangpuri, also known as Malikpur Kohi, New Delhi stood lapsed. It is also the case of the petitioner that a Notification under Section 4 of the Land Acquisition Act, 1894 was issued on 01.06.1995, which Notification stood lapsed and a fresh Notification was issued on 27.06.1996. thereafter, a Notification under Section 6 of the Land Acquisition Act was issued on 10.01.1997 and an Award was also made on 07.01.1999.
4. Mr. Pathak, learned counsel appearing on behalf of the LAC relies on paras 9 and 11 of the counter affidavit, which read as under:
- “9. That it is submitted that many of the land owners filed various writ petitions including the lead case being Civil Writ Petition No.1953/1997 titled Vasant Kunj Enclave Housing Welfare Society Vs. Union of India & Ors. before this Hon’ble Court for quashing of the Notifications dated 27.06.1996 issued by the Government of NCT of Delhi under Section 4 read with Section 17(1) & (4) dispensing with

Section 5-A and Notifications dated 10.01.1997 issued under Section 6 of the Land Acquisition Act. In the said writ petitions, interim stay/status quo orders were passed in favour of the petitioners therein as early as on 16.12.1996. The said writ petitions lead case being WP(C) No.1953/1997 were disposed on 04.05.2012 whereby Section 6 and 17 was qua the petitioners therein. Thereafter, the public notice issued by the answering respondent on 21.11.2012 inviting objections from interested persons under Section 5A of the Old Act were challenged in two writ petitions being WP(C) No.7795/2012 and WP(C) No.7802/2012 and the same was stayed vide interim orders dated 19.12.2012 and further, in WP(C) No.7802/2012 vide 11.10.2013 the parties were directed to maintain status quo. Aforesaid writ petitions i.e. W.P.(C) No.7795/2012 and W.P.(C) no.7802/2012 were dismissed as withdrawn on 05.11.2014 and 12.10.2015 with liberty to seek remedy individually by land losers. It is submitted that petitioner land was also subject matter of W.P.(C) No.7802/2012. Thus, interim order/stay with respect to the subject khasra Nos. remained in force till 12.10.2015. Thus, acquisition proceedings again remained interdicted by interim orders of this Hon'ble Court.

11. That it is humbly submitted that to complete the acquisition proceedings the answering respondent No.2 had issued individual notices for hearing under Section 5-A of the Land Acquisition Act 1894 to the interested persons/land losers and objections file by them have also been heard and considered. After hearing objections from 1414 persons, declaration under Section 6 of the Old Act has been issued on 04.07.2017 and the same has been issued in respect of subject land(khasra No.1167) also and the same is within time."

5. While relying on the aforesaid paragraphs, Mr. Pathak submits that the present petition would not be maintainable.

6. At this stage, Mr. Tomar, learned counsel for the petitioner seeks leave to withdraw this petition with liberty to file a fresh petition in accordance with law.
7. The writ petition is dismissed as withdrawn. The liberty, as prayed, granted.

CM.APPL 11948/2016 (stay)

8. The application also stands dismissed in view of the order passed in the writ petition.

G.S.SISTANI, J.

V.KAMESWAR RAO, J.

NOVEMBER 15, 2017
pst