

\$~26

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 5025/2017, C.M. APPL.21662/2017**

SUKHBIR SINGH AND ORS Petitioners
Through : Sh. Hemant Malhotra and Sh. K.J.S.
Kalra, Advocates.

versus

UNION OF INDIA AND ORS Respondents
Through : Ms. Jyoti Taneja with Sh. Hammad
Khan, Advocates, for Respondent No.2 in Item
No.26.
Ms. Shobhna Takiar, Advocate, for DDA, in Item
No.26.

CORAM:
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE NAVIN CHAWLA

% **ORDER**
30.05.2017

The claim in the petition is for return of lands which were declared to have lapsed from acquisition by virtue of Section 24(2) of the *Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013*. The declaration was pursuant to the judgment of this Court dated 18.11.2014. The DDA appealed by special leave– but unsuccessfully. The Supreme Court rejected the appeal (C.A. No.5811/2015) by its judgment dated 09.09.2016. The DDA's further request for modification was also rejected. Further, the Court observed as follows:

“However, in the peculiar facts of this case, the appellant is granted two years’ time, to initiate proceedings afresh for the acquisition of the land in question, under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, if so advised.”

It is urged that the sequitur to the Supreme Court’s endorsement of this Court’s judgment means that the petitioners are entitled to return of lands and that possession should be restored.

This Court is of the opinion that the claim for return of land or for directions to that effect are not warranted, at least in the present, since concededly, the Supreme Court has granted two years’ time effective from 28.11.2016, to the DDA to initiate fresh proceedings. In the circumstances, the writ petition is dismissed as not maintainable.

S. RAVINDRA BHAT, J

NAVIN CHAWLA, J

MAY 30, 2017/AJK