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

+ **W.P. (C) 10564/2015, CM APPL.26756/2015, 10620/2017**

RAM RATTAN RATHI AND ORS. Petitioners

versus

GOVT. OF NCT OF DELHI AND ORS. Respondents

W.P. (C) 10565/2015, CM APPL.26760/2015

CHATTAR SINGH Petitioner

versus

GOVT. OF NCT OF DELHI AND ORS. Respondents

Appearance: Mr. Rajiv Kr. Ghawana with Ms. Akishita Chhatwal and Mr. Vighnesh Balaji, Advocates for petitioners in both matters.

Mr. Yeeshu Jain, Standing Counsel for LAC/L&B with Ms. Jyoti Tyagi, Advocate in both matters.

Mr. Dhanesh Relan, Advocate for DDA with Ms. Isha Garg, Advocate.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **20.04.2017**

1. With the consent of counsel for the parties, the matters are heard. This Court, having considered the matter, is of the opinion that no counter affidavit is required since the respondents have been put to notice and have not disputed the averments made in the petitions as well as the admitted materials on the record.

2. The relief claimed in the present petitions is that the Section 6

Notification issued under the Land Acquisition Act on 20.03.2013 was beyond the time prescribed under the Explanation to Section 6 (1). The lands in question are to the extent of 450 Sq. Yds forming part of Khasra no.56/15 and 56/17 Village Pehlad Pur Bangar (in W.P.(C) 10564/2015) and to the extent of 1 Bigha 5 Biswas forming part of Khasra no.57/14 Village Pehlad Pur Bangar (in W.P.(C)10565/2015), (hereafter referred to as “suit land”).

3. The brief facts are that the petitioners claim to be the members of the Krishna Colony Welfare Association and that they had acquired the suit land sometime in 1996. They are aggrieved by the declaration issued on 20.03.2013. This Notification had a chequered history, in that the Section 4/Section 17 (4) Notification was issued in respect of these lands along with other lands on 27.10.1999. The appropriate Government dispensed with the hearing claiming urgency and issued declaration under Section 6 on 03.04.2000. This became the subject matter of writ proceedings before this Court in several writ petitions *inter alia* including W.P.(C)3075/2000 (*Krishna Colony Welfare Association v. Union of India & Ors.*).

4. The Court vide its judgment declined to interfere and upheld the declaration. This resulted in the aggrieved land owners approaching the Supreme Court which heard the appeal by special leave (Civil Appeal No.3008/2012). The Court by its order dated 21.03.2012 accepted the contentions of the appellants and quashed the Notification (of 03.04.2000). Subsequently, on 20.03.2013, fresh declaration was issued under Section 6. This time several petitioners

approached this Court individually complaining that the declaration was made beyond the time prescribed in Explanation to Section 6 (1). This became the subject matter of judgment of this Court in W.P.(C)3049/2013 (*Sunil Goel and Ors. Vs. The State*) decided on 29.04.2014. In the judgment allowing those batch of writ petitions dated 29.04.2014, the Court discussed the law applicable in this regard especially in paragraph 12-20 and thereafter proceeded to quash the Notification.

5. The judgment in *Sunil Goel (supra)*, was followed subsequently in another ruling, i.e., *Chandermani Dalmia v. Lt. Governor of Delhi & Ors.*, where the Court held on 22.11.2016 as follows: -

“We have heard the learned counsel for the parties. We are satisfied that the petitioner in this writ petition was before this court in the earlier round as also before the Supreme Court, through the Prahlad Vihar Residents Association. The petition in this court was no. W.P.(C) 3938/1996 and the appeal before the Supreme Court was Civil Appeal No. 3022-23/2007 which was disposed of on 21.03.2012. As a result, the case of the petitioner is entirely covered by the decision of this court in Sunil Goel & Others v. The State and Ors: W.P.(C) 3049/2013 decided on 29.04.2014, along with other connected matters. Consequently, the declaration dated 26.04.2013 being F.11(17)/91/L&B/LA/Pt. File/1285 under section 6 of the Land Acquisition Act, 1894 is quashed insofar as the petitioner is concerned. As a result, the notification dated 28.04.1995 being notification no. F.11 (17)/91/L&B/LA/6518 issued under section 4 of the said Act, insofar as petitioner’s land is concerned, would be regarded as having lapsed. The writ petition is allowed as above. There shall be no order as to costs.”

6. Having considered the submissions of the parties and also perused the SLP in *Krishna Colony Welfare Association v. Land and Building Department and Anr. (supra)*, that was allowed by the Supreme Court as well as the Awards which clearly mention the claimants as the Association itself in respect of the suit lands, this Court is of the opinion that the present petitions have to be allowed. The Notification dated 27.10.1999, insofar as it relates to the suit lands, is hereby quashed.

7. Writ Petitions are allowed in the above terms.

S. RAVINDRA BHAT, J

YOGESH KHANNA, J

APRIL 20, 2017

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