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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% *Date of Judgment: 25th May, 2018*

+ W.P.(C) 1310/2017 & C.M.5976/2017

RAJ SINGH & ORS.

..... Petitioners

Through: Mr.Akhil Sachar and Ms.Sunanda
Tulayan, Advts.

versus

LT. GOVERNOR & ORS.

..... Respondents

Through: Mr.Yeeshu Jain, standing counsel for
LAC/L&B with Ms.Jyoti Tyagi, Adv.
Mr.Dhanesh Relan, standing counsel
for DDA with Ms.Komal Sorout and
Ms.Mrinalini Sharma, Advts.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G.S.SISTANI, J. (ORAL)

1. With the consent of the parties the present writ petition is set down for final hearing and disposal.
2. The petitioner seeks quashing of the Notification dated 27.10.1999 being No. F10 (29)/96/L&B/LA/11394 under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the Act') along with Declaration No. F.10 (29)/96/L&B/LA/20 dated 03.04.2000 and Notification No. 10(29)/96/L&B/LA/19599 dated 20.03.2013 both issued under Section 6 of the Act. The subject matter of this writ petition is ½ share of the land comprised in Khasra No. 41/21 (3-16) and 41/22 (0-4), situated in village Prehladpur Banger, Delhi-110042.
3. Necessary facts which are required to be noticed for disposal of this writ petition are that a Section 4 notification of the Act was issued on

27.10.1999 followed by a notification under Section 6 of the Act issued on 03.04.2000. Aggrieved by the aforesaid notifications, similarly situated land owners had filed a Writ Petition in Delhi High Court being W. P. (C) 2199/2000 titled as “**Krishan Kumar Gupta and Others vs. Lt. Governor of NCT of Delhi and Others**” with respect to Khasra No. 41/21 and 41/22.

4. It is also pointed out that vide order dated 09.07.2007 passed by the Delhi High Court, the case of the land owners was dismissed. Aggrieved by the order dated 09.07.2007 passed by the Delhi High Court various similarly situated land owners approached the Supreme Court vide CA No.3017-3018/2012 and various other connected matters. The Supreme Court issued notice and granted interim stay of the order passed by the High Court of Delhi on 17.09.2007. By an order dated 21.03.2012, the Supreme Court was pleased to quash the declaration under Section 17 of the Act and the declaration dated 03.04.2000 issued under Section 6 of the Act.
5. It is not in dispute that pursuant to the order passed by the Supreme Court, the LAC issued a general public notice thereby inviting objections under Section 5A of the Act.
6. A fresh declaration under Section 6 of the Act was made on 20.03.2013 after a lapse of the statutory period of one year. Learned counsel for the petitioner submits that neither the possession of the land in question was taken nor the compensation has been paid. He further submits that since the fresh Section 6 notification was made after a lapse of more than one year, the case of the petitioner would be covered by the decision rendered by the Coordinate Bench of this

Court in W. P. (C) 3049/2013 titled as ***Sunil Goel & Others Vs. The State and Others*** decided on 29.04.2014 when batch of cases were decided. Reliance is placed on para 18 of the judgment, which is reproduced as under :

18. Having considered the submissions made by the learned counsel on both sides, we are of the view that the submissions made by the learned counsel for the petitioners ought to be accepted. This is so because the decision of the Supreme Court in the case of Padmasundara Rao (supra) covers the present case on all fours. The very issue before the Supreme Court, as pointed out by us earlier, was - whether, after the quashing of a declaration under Section 6 of the said Act, a fresh period of one year would be available to the State Government to issue another declaration under Section 6. This question has been answered by the Constitution Bench of the Supreme Court in Padmasundara Rao (supra) in the negative. In other words, when a Section 6 declaration is quashed, it does not give a fresh period of one year to the Government to issue another Section 6 declaration. The Section 6 declaration, after such quashing, if at all, can be issued only during the balance period.

7. It is further pointed out that the case of ***Sunil Goel*** (supra) has attained finality as SLP preferred by the respondents stands dismissed in *limine* by an order dated 29.08.2014.
8. Learned counsel for the Petitioner has also relied upon the relevant dates to draw the attention of the Court that the period of one year has lapsed and fresh notification under Section 6 of the Act is delayed by 1 year 8 months and 20 days.
9. Mr.Jain, learned counsel for the LAC has drawn the attention of this Court to paragraph 5 of the counter affidavit, which is reproduced as under:

“5. That it is submitted that the lands of village Prehlad Pur Bangar were notified vide Notification under section 4 of the Land Acquisition Act, 1894 dated 27.10.1999 which was followed by the Notification under section 6 of the Act dated 3.4.2000. The acquisition affected parties challenged the acquisition proceedings before Hon’ble Courts including the Surpeme Court of India which quashed the section 6 Declaration in SLP No.3513/2007. Having invited objections and having considered the same in accordance with law, the than LAC issued fresh Declaration u/s 6 on 20.3.2013 and Award No.07/14-15 came to be passed. The purpose of acquisition was for Rohini Residential Scheme and possession of khasra number 41/21 and 41/22 was duly taken on 11.5.2000 and handed over to the DDA by preparing possession proceedings. Compensation appears to have not been paid.”

10. We have heard learned counsel for the parties. The case of the petitioner is in our view is fully covered by the decision rendered in the case of *Sunil Goel (supra)*, wherein the Division Bench has relied on a decision of the Supreme Court in *Padmasundara Rao and Others vs. State of Tamil Nadu & Others* reported in 2002 (3) SCC 533. The details of the time period applicable to the present case with respect to land of the petitioner are detailed below in the form of a chart:

Notification/Declaration/Orders	Date	Time Lapse
Date of Section 4 Notification	27.04.1999	
Date of Stay granted by the High Court of Delhi	10.05.2000	6 months and 10 days
Date of Dismissal from the High Court.	09.07.2007	
Date of Notice and stay by the Hon’ble Supreme Court.	17.9.2007	2 months and 8 days
Date of Decision by Hon’ble	21.03.2012	

Supreme Court quashing the declaration under Section 6 and urgency clause under Section 17 of the Land Acquisition Act, 1894		
Declaration under Section 6	20.03.2013	1 year less 1 day
Total Time Lapse		1 year 8 months and 17 days

11. The time period excluded from the stay period from the date of notification under Section 4 dated 27.10.1999 till the status quo granted by this Court on 10.05.2000 is 6 months and 19 days. Thereafter, from the date of dismissal of writ petition on 09.07.2007 to 17.09.2007 is 2 months and 8 days, when the status quo was granted by the Supreme Court. From the date of judgment of the Supreme Court i.e. 21.03.2012 to the date of Section 6 declaration i.e. 20.03.2013 is 01 year and 01 day, hence the total time lapsed is 8 months and 17 days in case of Khasra No.41/21 (3-16) and 41/22 (0-4) after excluding the period of 01 year as per the Act. Resultantly, the writ petition is allowed. The notification dated 27.10.1999 under Section 4 of the Act and the fresh notification dated 20.03.2013 under Section 6 of the Act are quashed qua the subject land.

G.S.SISTANI, J.

SANGITA DHINGRA SEHGAL, J.

MAY 25, 2018