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

+ **W.P.(C) 1311/2017 & C.M. Appl.No. 5978/2017**

SANJAY PRAKASH

..... Petitioner

Through: Mr. Akhil Sachar & Ms. Sunanda,
Advocates

Versus

LT. GOVERNOR, NCT OF DELHI & ORS.

..... Respondents

Through: Mr. Yeeshu Jain, standing counsel
with Ms. Shilpi Chaudhry, Advocates for L &
B/LAC

Mr. Arun Birbal & Mr. Ajay Birbal, Advocates for
Respondent/DDA

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

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13.11.2018

1. The Petitioner has in the present petition challenged the notification dated 27th October, 1999 issued under Section 4 of the Land Acquisition Act, 1894 (LA Act) and the subsequent declarations dated 3rd April, 2000 and 20th March, 2013 issued by the Respondent No.2 i.e. Land and Building Department of the Govt. of NCT of Delhi under Section 6 of the LA Act. Challenge is also laid to the award dated 8th July 2002 and the subsequent award dated 19th March, 2015 in respect of the land admeasuring 1 *Bigha* and 2 *Biswas* in Khasra No.53/3/2 and 8 situated in the Village Prehladpur Banger, Delhi.

2. Counsel appearing for the Petitioner relies on the judgment dated 7th August, 2018 in WP(C) No. 10974/2015 (*Manish Singhal v. Lt. Governor of NCT of Delhi*) which involved land acquired under the same Section 4 notification situated in the same village Prahladpur Banger whereby, relying on the decision of this Court in *Sunil Goel v. GNCTD 211 (2014) DLT (DB)*, this Court allowed the writ petition and quashed both the original notification on 27th October, 1999 and the subsequent notification dated 20th March, 2013 under Section 6 of the LA Act. In other words, it was held that if the Section 6 declaration is not issued within a period of one year stipulated in Section 6(1) of the Act even after excluding the period covered by the stay orders granted by the High Court and the Supreme Court, the impugned declaration dated 20th March 2013 would be a nullity and therefore liable to be quashed.

3. Following the aforementioned judgment, the present writ petition is allowed and the notification dated 27th October, 1999 under Section 4 of the LA Act, the subsequent declarations dated 3rd April 2000 and 20th March, 2013 under Section 6 of the LA Act, and the consequent award dated 19th March, 2015 are hereby quashed *qua* the subject land.

4. It is pointed out by learned counsel for the LAC that they are not accepting the correctness of the copy of the sale deed that has been placed on record by the Petitioner. This in any event does not affect the outcome of this writ petition since this Court has not examined the question of title to the land in question. That issue is left open for decision in other appropriate proceedings.

5. The writ petition is allowed in the above terms. The application is disposed of.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

NOVEMBER 13, 2018

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