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

+ **W.P.(C) 3813/2016**

R.K.JAIN

..... Petitioner

Through: Mr. N.S. Vasisht, Advocate with Mr.
M.P. Bhargava, Advocate.

versus

UNION OF INDIA & OTHERS

..... Respondents

Through: Mr. Anil Panwar, Advocate with Mr.
R.M. Tripathi, Govt. Pleader for UOI.
Ms. Nidhi Raman, Advocate for
Respondent No. 3/DDA.
Mr. Yeeshu Jain, Advocate with Ms.
Jyoti Tyagi, Advocate for L&B/LAC.

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE SANJEEV NARULA

ORDER
11.12.2018

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1. The Petitioner seeks the quashing of a notification dated 27th June, 1996 issued under Section 4 of the Land Acquisition Act, 1894 (LAA), a notification dated 10th January, 1997 issued under Section 6 of the LAA and an Award No. 02/98-99/SW in respect of land admeasuring 750 sq. yds out of 4 bighas 5 Biswas of the land comprised in Khasra No. 1431, situated in revenue Estate of Village Malikpur Kohi @ Rangpuri, Tehsil Vasant Vihar, New Delhi.

2. Another prayer is that a direction to be issued to the Respondents to correct all the relevant records recording the possession and ownership of the Petitioner over the above mentioned land.

3. There is a long history to the present petition. Several land owners filed various writ petitions challenging the aforementioned acquisitions proceedings. One of the petitions was Civil Writ Petition No. 1953/1997 titled as ***Vasant Kunj Enclave Housing Welfare Society v. Union of India***. The challenge was mainly to the decision to dispense with the procedures for entertaining of civil writ petition under Section 5A read with Section 17 (1) & (4) of LAA.

4. The said writ petition was disposed of on 4th May, 2012 whereby the notifications under Sections 6 and 17 were quashed qua the said petitions.

5. Thereafter, public notice was issued on 21st November, 2012 inviting objections from interested persons under Section 5A of LAA. These notices were again challenged and stayed by interim orders dated 19th December, 2012 in Writ Petition (C) 7795 and 7802/2012. Ultimately, the said writ petitions were dismissed as withdrawn on 5th November, 2014 and 12th October, 2015. Till such time, the interim order continued.

6. The stand of the LAC is that the acquisition proceedings under the Award Nos. 02/98-99/SW could therefore not be completed in view of the above interim orders which continued till 12th October, 2015. It is also contended that the possession of the land could not be taken for the same reason and

therefore compensation amount is also not being paid.

7. It is not in dispute between the parties that in the Section 4 LAA Notification dated 27th June, 1996, the land in Khasra No. 1431 stands included. A fresh Award in respect of the said land is yet to be passed. Therefore, no prayer with reference to Section 24 (2) of the 2013 Act can be considered as of now.

8. Learned counsel for the LAC pointed out that the Petitioner was a person who admittedly is seeking a declaration on the basis of his having the agreement to sell in his favour. The said agreement is not even registered and therefore his locus to maintain such a petition is itself in doubt.

9. In response to the said plea, learned counsel for the Petitioner has relied on the judgment of the Supreme Court in ***Government (NCT of Delhi) v. Manav Dharam Trust (2017) 6 SCC 751***, where the Supreme Court has recognised the locus of subsequent purchasers, assignees and Power of Attorneys holders etc.

10. The difficulty as far as the Petitioner is concerned is that he is seeking to step into the shoes of the earlier land owner through an agreement to sell entered into as late as 2011 i.e. more than 12 years after the initial Award was passed. The Petitioner obviously knew that the land was the subject matter of land acquisition proceedings and therefore took the risk of not being able to perfect the title unless his challenge to the land acquisition proceedings succeeded. From then onwards till the time of the filing of the

present petition, he made no effort to seek any declaration whatsoever.

11. The second difficulty of course is that with the Khasra No in respect of which he is seeking a declaration forming a part of the land acquisition proceedings which have been set aside by the orders of this Court. With said Khasra No continuing to form part of the Section 4 Notification, those proceedings will come to a logical end only with the passing of a fresh Award. That Award not being a five year old Award, the question of the Petitioner seeking relief in terms of Section 24 (2) of the 2013 Act does not arise.

12. Learned counsel for the LAC has also drawn attention of the Court to an order dated 19th May, 2017 passed by this Court in Writ Petition (Civil) 3392/2017 titled as *M/s Orchid Realtors Ltd. v. Union of India* and order dated 29th January, 2018 in Writ Petition (Civil) No. 11924/2016 titled as *Anureet H.P. Singh v. Union of India* where a similar prayer was rejected.

13. Either way, the prayer in the present petition cannot be granted. The petition is dismissed.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

DECEMBER 11, 2018

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