

\$~10

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

% *Date of Judgment: 15th January, 2018*

+ W.P.(C) 5213/2015 & C.M.9462/2015

VIJAY KUMAR BAJAJ Petitioner

Through: Mr.A.K.Singla, Sr.Adv. with
Mr.Y.R.Sharma, Advocate

versus

R.D. NATH AND ORS. Respondents

Through: Mr.Yeeshu Jain, standing counsel
with Ms.Jyoti Tyagi, Adv. for
LAC/L&B.
Mr.Sanjeev Sabharwal, standing
counsel with Mr.Hem Kumar and
Ms.Simmee Kumari, Advts. for DDA.
Mr.Rakesh Kumar, Adv. for R-4/
Ramjas Foundation.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G.S.SISTANI, J. (ORAL)

1. This is a petition under Article 226 of the Constitution of India filed by the petitioner. The petitioner seeks a declaration that the acquisition proceedings with respect to the land being property bearing no.PP-63-66, Anand Parbat Industrial Area, New Delhi, falling in Khasra no.344 min(140-18) measuring 200 sq. yds, situated in the revenue estate of village Sidhora Khurd, Delhi(hereinafter referred to as 'the subject land') are deemed to have lapsed in view of

Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as 'New Act'), as neither possession has been taken nor compensation has been paid to the petitioner. It is also the case of the petitioner that on 10.06.1992 the petitioner purchased the super structure measuring 200 sq. yards from one Mahabir Prasad on the basis of agreement to sell, power of attorney etc.

2. This writ petition is opposed by the LAC and DDA only on the ground that an earlier writ petition filed by the Ramjas Foundation/respondent no.4 being W.P.(C) 6674/2015 stands decided on 22.09.2017 and in the order so passed it has been declared that the acquisition proceedings stand lapsed. We may note that the Ramjas Foundation has been impleaded as respondent no.4 in this case.
3. Counsel appearing for respondent no.4 submits that the petitioner is not an interested person and the petitioner has been unsuccessfully trying to establish his title, filed a civil suit as well as appeal which stand dismissed. Mr.A.K.Singla, learned Senior Counsel appearing for the petitioner, however, submits to the contrary. He submits that the petitioner is a subsequent purchaser. He relies on the decision rendered by the Supreme Court in ***Govt. of NCT of Delhi v. Manav Dharma Trust and another***, reported in **2017 (6) SCC 751**. Para 28 of which reads as under:-

“28. Thus, the subsequent purchaser, the assignee, the successor in interest, the power-of-attorney holder, etc., are all persons who are interested in compensation/landowners/ affected persons in terms of the 2013 Act and such persons are entitled to file a case

for a declaration that the land acquisition proceedings have lapsed by virtue of operation of Section 24(2) of the 2013 Act. It is a declaration qua the land wherein indisputably they have an interest and they are affected by such acquisition. For such a declaration, it cannot be said that the respondent-writ petitioners do not have any locus standi.”

4. We have heard learned counsels for the parties.
5. Having regard to the fact that in the earlier writ petition being W.P.(C) 6674/2015 filed by the Ramjas Foundation claiming to be the owner of the land, a declaration has been made that the acquisition proceedings qua the subject land stand lapsed as neither compensation has been paid nor possession has been taken. Once such a declaration has been made, a second declaration, in our view, cannot be granted.
6. Mr.Singla, learned Senior Counsel, at this stage submits that as far as the question of title is concerned, he would agitate the same before a court having appropriate jurisdiction and this writ petition may be dismissed as withdrawn.
7. As prayed, the writ petition is dismissed as withdrawn. Objections of all the parties are kept open.

C.M.9462/2015 (stay)

8. The application is dismissed in view of the order passed in the writ petition.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

JANUARY 15, 2018/rb/