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

+ W.P.(C) 11924/2016

ANUREET H.P. SINGH

..... Petitioner

Through Ms.Richa Oberoi, Advocate.

versus

UNION OF INDIA & ORS

..... Respondents

Through Mr.Vinod Tiwari, Advocate for R-1/UOI.
Mr.Sanjay Kumar Pathak, Mrs.K.
Kaomudi Kiran Pathak & Mr.Sunil
Kumar Jha, Advocates for
LAC/L&B/GNCTD.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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29.01.2018

This is a petition under Article 226 of Constitution of India. The petitioner seeks a declaration that the acquisition proceedings in respect of the land of the petitioner measuring 2 bighas 18 biswas forming part of Khasra no.1113 situated in the revenue estate of village Malikpur Kohi @ Rangpuri, Delhi are deemed to have lapsed as neither compensation has been tendered to the petitioner nor possession has been taken over.

Counsel for the petitioner submits that in this case a notification under section 4 of Land Acquisition Act, 1894 (hereinafter referred to as 'Act') was issued on 27.06.1996 and section 6 notification was issued on 10.01.1997. Thereafter, an award bearing no.2/98-99/SW was rendered on 07.01.1999.

Counter affidavits have been filed by DDA and LAC. Reliance is placed by counsel for LAC on para 11 of the counter affidavit, which reads as under :-

“11. That it is humbly submitted that to complete the acquisition proceedings the answering respondent No.1 had issued individual notices for hearing under Section 5-A of the Land Acquisition Act 1894 to the interested persons/land losers and objections filed by them have also been heard and considered. After hearing objections from 1414 persons, declaration under Section 6 of the Old Act has been issued on 04.07.2017 and the same has been issued in respect of subject land also.”

Counsel for LAC submits that the petitioners were issued individual notices for hearing under section 5A of the Act. Objections were heard and considered and a declaration under section 6 of the Act has been issued on 04.07.2017.

Mr.Pathak submits that effect of this fresh notification under section 6 of the Act would be that the present writ petition would become infructuous. Counsel submits that the present writ petition may be dismissed as not pressed. She submits that the petitioner would avail of such remedy as available in law.

In view of fresh notification under section 6 of the Act having been issued in respect of the land of the petitioner, the writ petition is dismissed as not pressed with liberty to the petitioner to avail such remedy available in law.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

JANUARY 29, 2018

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