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

% *Date of Judgment: 7th August, 2018*

+ W.P.(C) 10974/2015

MANISH SINGHAL

..... Petitioner

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

versus

LT. GOVERNOR, NCT OF DELHI & ORS. Respondents

Through: Mr. Yeeshu Jain, Standing Counsel for
LAC/L&B with Ms. Jyoti Tyagi, Advocate.
Mr. Dhanesh Relan and Ms. Komal Sorout,
Advocates for DDA.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G.S.SISTANI, J. (ORAL)

1. The petitioner seeks quashing of notification No. 10(29)/96/L&B/LA 11394 dated 27.10.1999 issued under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the Act'). The subject matter of this writ petition is land comprised in Khasra No. 44//19 min (0-18) and 44/20/1 min (0-06), admeasuring 1 bigha and 4 biswas situated in the revenue estate of village Prehladpur Banger, Delhi-110042.
2. Some 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. Vs. Union of India & Ors.”***.

3. 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 Hon'ble Supreme Court vide CA Nos. 3017-18/2017 and various other connected matters. The Hon'ble 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.
4. It is not in dispute that pursuant to the order passed by the Hon'ble Supreme Court, the LAC issued a general public notice thereby inviting objections under Section 5A of the Act.
5. 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.*

6. 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*.
7. 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 8 months and 20 days.
8. Mr. Jain, learned Standing Counsel for LAC has also drawn the attention of this Court to para 5 of the counter affidavit which has been placed on record. Para 5 of the counter affidavit is reproduced

below:

“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 03.04.2000. The acquisition affected parties challenged the acquisition proceeding before Hon’ble Courts including the Supreme 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 20.03.2013 and Award No. 07/14-15 came to be passed. The purpose of acquisition was for Rohini Residential Scheme and possession of remaining land of khasra number 44/19 (3-16) and 44/20/1 (2-08) has been taken in terms of status quo granted by Hon’ble Court on 30.11.15 with regard to nature, title and possession of subject land, whereas the petitioner is seeking the relief of (1-04) from 44/19 min. (0-18) and 44/20/1 (0-06).”

9. Mr. Jain further submits that the fresh notification under Section 6 of the Act was issued within a period of one year of the judgment rendered by the Apex Court on 21.03.2012.
10. We have heard learned counsel for the parties.
11. The case of the petitioner, 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 Hon’ble Supreme Court in ***Padmasundara Rao (supra)***. The details of the time period applicable to the present case, is detailed below in the form of a chart.

			Time Lapse
Date of notification	Section 4	27/10/1999	

Date of stay granted by High Court	10/05/2000	6 months 10 days
Date of dismissal from High Court	17/09/2007	2 months 8 days
Date of Notice and stay by the Hon'ble Supreme Court	09/08/2007	1 month
Date of decision by Hon'ble Supreme Court quashing the declaration u/s & urgency clause u/s 17 of the Land Acquisition Act, 1894	21/03/2012	
Declaration u/s 6	20/03/2013	11 months 27 days
Total time lapse		1 Year 7 months 16 days

12. Considering the time line we have detailed hereinabove leaves no room for doubt that the fresh notification under Section 6 of the Act was not issued within a period of one year after deducting the time spent in Court and covered by the stay order granted by the Court i.e. 8 months 20 days for a period of stay granted by the High Court and one month from 09.08.2007 being the period of stay granted by the Supreme Court. 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.

G.S.SISTANI, J.

SANGITA DHINGRA SEHGAL, J

AUGUST 07, 2018
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