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

+ **W.P.(C) 6927/2019 & CM 28802/2019 (stay)**

JAGGO DEVI & ORS.

.....Petitioners

Through: Mr Rashid Azam, Mr Nasim Anwar
and Mr Rahul Yadav, Advocates.

versus

ADDITIONAL DISTRICT MAGISTRATE (SOUTH
WEST DISTRICT) LAND ACQUISITION OFFICER
& ANR.

..... Respondents

Through: Mr Yeeshu Jain, Standing Counsel for
GNCTD with Mr Siddharth Panda
and Ms Jyoti Tyagi, Advocates.
Mr Sanjeev Sagar, Standing Counsel
for DDA.
Ms. Padma Priya, Ms Soumya
Priyadarshni and Ms Kritika Shukla,
Advocates for NHAI.

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE TALWANT SINGH

ORDER
08.07.2019

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1. Five Petitioners have filed the present petition under Article 226 of the Constitution of India seeking the following reliefs:

“a. to please issue a writ of mandamus or any other appropriate writ to the Respondent No. 1 so that a proper hearing which is fair and just is granted to the Petitioners;

b. declare the proposal for acquisition of the land for National Highway -344 as dropped in area Masudabad, District Najafgarh, New Delhi in Amar Vihar Colony in Khasra. Nos. 131 & 138 due illegality as per section 3 of the national Highways Act 1956.”

2. The narration in the petition is that each of the Petitioners are residents of Khasra Nos. 131 and 138 in the Revenue Estate of Village Masudabad, Delhi having purchased plots of lands through unregistered General Power of Attorneys (‘GPAs’), Agreements to Sell, Will, etc. Copies of these documents have been enclosed with the petition. They reveal that the dates of the unregistered GPAs are invariably beyond the date of the passing of the Award under Section 11-A of the Land Acquisition Act, 1894 (‘LAA’) on 11th February, 2009. The said documents through which ownership is claimed are, therefore, of doubtful validity.

3. It must be mentioned at this stage that these very lands already stood acquired by the aforementioned Award figure in the notification issued under Section 3-A of the National Highways Act, 1956 (‘NHA’) issued by the National Highways Authority of India (‘NHAI’) on 8th December, 2018. The further proceedings under Sections 3-B and 3-C of the NHA consequent thereto are stated to be underway. An order was passed on 11th June, 2019 by the Competent Authority, Land Acquisition (‘CALA’)/Additional District Magistrate (South-West) rejecting the Petitioners’ objections. This was followed by a public notice dated 25th June, 2019 announcing that the land in question acquired under the aforementioned award dated 11th February, 2009 is to be handed over to the concerned department for the purposes of Urban Extension Road –II (UER-II) Project for construction of

NH-344M. It is this notice that has triggered the present petition seeking the above reliefs.

4. By a detailed order passed today, this Court has dismissed the W.P.(C) No.4697/2014 (*Sonu v. Government of NCT of Delhi*) where a challenge was laid not only to the land acquisition proceedings culminating in the aforementioned Award dated 11th February, 2009 in respect of land in certain other Khasra numbers located in the same Revenue Estate of Village Masudabad but in respect of which also, a notification under Section 3-A of the NHA was issued. This Court, *inter alia*, noted in the said order, that the issuance of the notification under Section 3-A of the NHA in respect of lands which already stood acquired under the aforementioned Award dated 11th February, 2009 under the LAA, was perhaps misconceived and unnecessary.

5. This Court has, in the said order in *Sonu v. Government of NCT of Delhi* declined to restrain the Respondents from proceeding further in the matter. This Court has noted, in the said order, the statement made on behalf of the LAC/ Land & Building Department of the GNCTD that there was no legal impediment in the GNCTD handing over the land that already stood acquired to the NHAI for the purposes of the UER-II.

6. For the reasons already mentioned in the said order, none of the reliefs sought for in the present petition can be granted.

7. The petition is accordingly dismissed. The pending application is also disposed of. No costs.

S. MURALIDHAR, J.

TALWANT SINGH, J.

JULY 08, 2019
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