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

+ **W.P.(C) 7381/2016**

SUMAN SAWHNEY AND ANR Petitioners

Through: Mr. Harsh Pratap Shahi, Advocate.

versus

UNION OF INDIA AND ORS Respondents

Through: Mr. Yeeshu Jain and Ms. Jyoti Tyagi,
Advocates for LAC/L&B.
Mr. M.K. Singh, Advocate for R-
2/DDA.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

% **18.02.2019**

1. The prayers made in the present petition reads as under:

“a. pass a writ, order or direction in the nature of a writ of declaration, declaring the acquisition proceedings initiated in respect of the land of the petitioners along with the structures of boundary wall, admeasuring 5 bigha bearing Khasra Nos. 1082 (1-0), 1087 (0-8), 1088/2(0-12), 1093 (1-0) 1094 (0-12), 1095(0-8), 1444 MIN (1-0) situated in Village Malikpur Kohi Alias Rangpuri, Tehsil Vasant Vihar, New Delhi, as deemed to have lapsed in view of the provisions of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013;

b. further pass a writ, order or direction in the nature of a writ of mandamus thereby directing the respondents not to interfere with the peaceful possession and enjoyment of the land admeasuring 5 bigha bearing Khasra Nos. 1082 (1-0), 1087 (0-8), 1088/2(0-12), 1093 (1-0) 1094 (0-12), 1095(0-8), 1444 MIN (1-0) situated in

(ii) Pass any other order or orders as may be just and proper in the facts and circumstances of the case.”

2. The admitted facts are that in respect of land situated in Village Malikpur Kohi @ Rangpuri the notification under Section 4 of the Land Acquisition Act, 1894 (LAA) was issued on 27th June 1996. This was followed by declarations under Section 6 of the LAA on 10th January 1997 and 3rd March 1997. Thereafter, an Award No. 2/98-99 was passed on 7th January 1999.

3. The declarations under Section 6 of the LAA were subsequently quashed by this Court in a batch of writ petitions and that order stood affirmed by the Supreme Court. Consequently, the Award pursuant to the said Section 6 declarations stood invalidated. In other words, Award No. 2/98-99 no longer survives.

4. Following the above developments, such of those land owners who had earlier filed writ petitions in which the declaration under Section 6 of the LAA had been quashed, have been issued notices under Section 5A of the LAA. In respect of others like the Petitioners who never went to Court to challenge the above land acquisition proceedings, a fresh declaration under Section 6 has been issued on 4th July 2017 *qua* their lands.

5. Some of those who never went to the Court earlier have challenged the fresh Section 6 LAA declaration by filing writ petitions. However, the present Petitioners have not chosen to challenge the fresh Section 6 LAA declaration. They only seek a declaration of deemed lapsing of land

acquisition proceedings under the 2013 Act. Clearly that relief, which is relatable to Section 24 (2) of the 2013 Act, cannot be granted since the essential condition for the grant of such relief which is the existence of an Award, is not fulfilled. Consequently, while declining the reliefs prayed for, the Court leaves it open to the Petitioner to seek other appropriate remedies as may be available to the Petitioners in accordance with law.

6. The petition is dismissed with the above observations.

7. The interim order dated 22nd August 2016 which stood confirmed on 9th January 2018 is hereby vacated.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

FEBRUARY 18, 2019

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