

\$~34

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

+ **W.P.(C) 5658/2015**

SHASHANK BHARGAVA & ANR

..... Petitioners

Through: Mr. Mrinal Agarwal, Mr. Kshitiz
Karjee, Mr. Surya Kant and Mr. G.S.
Kwatra, Avdicates.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Yeeshu Jain and Ms. Jyoti Tyagi,
Advocates for LAC/L&B.
Mr. Arjun Pant, Advocate for DDA.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

% 21.01.2019

1. The prayer in the present petition reads as under:

“i) To issue appropriate writ, order or direction declaring the acquisition process as having lapsed;

ii) To quash the entire acquisition proceeding and the subsequent declaration under Section 6 of the Act of 1894; and

iii) To release the lands property of the petitioners admeasuring 3065 Sq. Yards out of 3563 sq. Yards identified as House No.891-C,Ward No. VIII in the records of Municipal Corporation of Delhi situated in Lai Dora area of village Mehrauli, bearing Khasra No. 1151/3 min (new), old 1665, New Delhi in Revenue Estate of Village i^ehrauli, New Delhi from acquisition;

iv) Pass such other or further orders which this Hon'ble court

may deem fit and proper in view of the facts and the circumstances narrated herein above.”

2. In the counter affidavit filed by the DDA on 15th October 2018 it is pointed out that although notification under Section 4 of the Land Acquisition Act, 1894 was issued on 13th June 1988 followed by declaration under Section 6 of the LAA on 18th July 1988 “the Award in the matter could not be announced by the Land Acquisition Collector/L&B Department, Govt. of NCT of Delhi till date due to pendency of litigations.” It is rightly pointed out by the DDA that since no Award has been passed, the question of the Petitioners seeking any declaration of lapsing of the land acquisition proceedings under Section 24 (2) of the 2013 Act cannot possibly arise. The essential condition for seeking that relief viz., that the Award in question should have been passed more than five years prior to the commencement of the 2013 Act is not fulfilled in the present case.

3. The petition is accordingly dismissed.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 21, 2019

nk