

\$~29

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

+ **W.P.(C) 7680/2017**

KARTAR SINGH & ANR. .... Petitioners

Through: Mr. Vishal Maan and Mr. Shitiz  
Agnohotri, Advocates

versus

GOVT. OF NCT OF DELHI & ORS. .... Respondents

Through: Ms. Mrinalini Sen with Ms. Kritika  
Gupta for DDA.  
Mr. Sanjay Kumar Pathak, Mr. Sunil  
Kumar Pathak and Mr. M.S. Akhtar  
for L&B/LAC

**CORAM:**  
**JUSTICE S.MURALIDHAR**  
**JUSTICE I.S. MEHTA**

**ORDER**  
**02.05.2019**

%

1. The prayers in the petition read as under:

“a. Issue a Writ, order or direction in the nature of Certiorari thereby quashing declaration dated 04.07.2017 being No. F. 9 (12)/ L&B/ LA.PT./3062 issued under section 6 of the Land Acquisition Act, 1894 with respect to the land of the petitioner comprised in khasra nos. 1174 (5-02), 1175 (4-16), 1185 (4-16), 1186 (4-16), 1187 (1-10) and 1188 (5-01) total ad-measuring 26 bighas and 01 biswas situated in revenue estate of Village Malikpur Kohi @ Rangpuri, New Delhi

b. Issue a Writ, Order or Direction declaration to the effect that no further declaration under Section 6 can be issued in pursuance of Section 4 notification. Hence, Section 4 Notification bearing No.F.9(12)/95/L&B/LA/9763 dated 27.06.1996 also be quashed.

c. Issue a Writ, Order or direction in the nature of Mandamus and/or a Writ, order or direction in the nature of Mandamus directing the Respondents not to interfere/dispossess the Petitioners the land in question.

d. Pass such other or further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.”

2. The narration in the petition reveals that notification under Section 4 of the Land Acquisition Act, 1894 ('LAA') was issued on 27<sup>th</sup> June 1996, followed by declaration under Section 6 of the LAA on 10<sup>th</sup> January 1997. The impugned Award No. 2/1998-1999 was passed on 7<sup>th</sup> January 1999. There is no explanation in the petition for the inordinate delay in approaching the Court for relief.

3. It is stated in the writ petition that the notification issued on 27<sup>th</sup> June, 1996 under Section 4 of the LAA was challenged in WP(C) No. 1953/1997 titled *Vasant Kunj Enclave Housing Welfare Society v. Union of India*. The said notification under Section 4 read with Section 17 LAA was struck down by this Court by an order dated 28<sup>th</sup> April, 2006 in the said writ petition to the extent that it sought to invoke Section 17 of the LAA.

4. SLP (C) No. 4062/2012 preferred against the said order was dismissed by the Supreme Court on 27<sup>th</sup> April, 2012. A public notice dated 21<sup>st</sup> November, 2012 following the corrigendum dated 8<sup>th</sup> July, 2013 was issued by the Land Acquisition Collector (LAC) inviting objections under Section 5-A LAA. During the pendency of the said proceedings, the 2013 Act came into force on 1<sup>st</sup> January, 2014. It is stated that the Respondents have neither

paid compensation nor taken physical possession of the Petitioner's land and accordingly the Petitioners are seeking the reliefs as prayed for.

5. In the counter affidavit filed on behalf of the DDA it is pointed out that the land was acquired by the LAC. Although the possession of the land was not handed over to the DDA, it had deposited the compensation of Rs. 13.47 crores with the Land and Building Department by cheque dated 10<sup>th</sup> October 1996

6. A separate counter affidavit has been filed by the LAC pointing out that the Petitioners are not the recorded owner in respect of the subject land. It is stated that the acquisition proceedings were challenged by the Petitioners by filing W.P.(C) No. 1497/1998 titled ***Kartar Singh v. Union of India*** which was disposed of on 2<sup>nd</sup> May 2013. There was an interim order passed in the various writ petitions with respect to the subject land which stayed in force till 12<sup>th</sup> October 2015 and notices were issued on 21<sup>st</sup> November, 2012 inviting objections under Section 5-A of the LAA. Reliance is placed on the decisions in ***Abhey Ram v. Union of India (1997) 5 SCC 421*** and ***Om Prakash v. Union of India (2010) 4 SCC 17*** to urge that if on account of the continuous interim orders passed by the Courts the Respondents were precluded from completing the land acquisition proceedings it was not open to the Petitioners to seek quashing of the land acquisition proceedings and seek any declaration under Section 24 (2) of the 2013 Act.

7. The above issues have been comprehensively dealt with by this Court in its judgment in ***Shivi Talwar v. Union of India 2019(174) DRJ 390[DB]***. A

similar contention raised by the Petitioners in those cases, who were seeking similar reliefs as prayers (a) and (b) above in relation to the lands located in Village Malikpur Kohi, Rangpuri have been rejected by this Court.

8. Mr. Mann, learned counsel for the Petitioners, referred to the corrigendum dated 8<sup>th</sup> July 2013 and submitted that the stay in respect of the Petitioners' lands did not continue thereafter. The fact remains that there was an interim order qua the lands sought to be acquired in terms of the two notifications under Sections 4 and 6 of the LAA and such interim order would extend to all lands sought to be acquired thereunder particularly in light of the law explained in *Abhey Ram v. Union of India* (*supra*). There is, therefore, no merit in the above contention.

9. For all of the aforementioned reasons, none of the prayers in the present petition can be granted. The petition is accordingly dismissed. No order as to costs.

**S. MURALIDHAR, J.**

**I.S. MEHTA, J.**

**MAY 02, 2019/tr**