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* **THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 10339/2017 & CM APPL. 42141/2017**

JAI CHAND & ORS.

.... Petitioners

Through: Mr. Aakash Sehrawat,
Advocate.

versus

GOVT. OF NCT OF DELHI & ORS.

... Respondents

Through: Mr. Sanjay Kumar Pathak,
Mr. Sunil Kumar Jha and Mr. M.S.
Akhtar, Advocates for Respondent
Nos. 1 and 2.

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE TALWANT SINGH

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ORDER
20.08.2019

1. The prayers in the present 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. 1176 (4-16), 1177 (4-16), 1180 (0-10), 1182 (4-16), 1183 (4-16), 1184 (4-16), 1215 (4-16), 1239 (4-16), 1244 (4-16), 1245 (4-16), 1246 (4-16), 1247 (4-16), 1250/1 (2-07), 1250/2 (2-9), 1251/1 (1-09), 1251/2 (0-14), 1251/3 (2-13), 1252 (4-16), 1253 (4-16) total ad-measuring 58 bighas 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.”

2. The background facts are that the land in question i.e. 58 *Bighas* comprised in Khasra Nos. 1176 (4-16), 1177 (4-16), 1180 (0-10), 1182 (4-16), 1183 (4-16), 1184 (4-16), 1215 (4-16), 1239 (4-16), 1244 (4-16), 1245 (4-16), 1246 (4-16), 1247 (4-16), 1250/1 (2-07), 1250/2 (2-9), 1251/1 (1-09), 1251/2 (0-14), 1251/3 (2-13), 1252 (4-16), 1253 (4-16), all situated in Village Malikpur Kohi, Rangpuri, New Delhi (hereafter, ‘subject land’) was notified under Section 4 of the Land Acquisition Act, 1894 (‘LAA’) on 27th June, 1996. This was followed by a declaration under Section 6 dated 10th January, 1997. The Land Acquisition Collector (‘LAC’) passed an award being Award No. 02/98-99 on 7th January, 1999.

3. As far as the Petitioners are concerned, it is stated that Ram Sarup, Ram Kala and Manphool were the recorded owners of the subject land. A copy of the *Khatauni* for the year 1980-81 has been annexed with the petition. In para 5 of the petition, a table attempting to demonstrate that the aforesaid persons are the predecessors-in-interest of the Petitioners, has been set out.

4. It is averred in the petition that the Petitioners’ predecessors-in-interest challenged the LAA Section 4 notification and the Section 6 declaration before this Court by way of a writ petition being W.P.(C) 3518/1996 and that in the said petition, this Court issued a stay with respect to dispossession

of the Petitioners on 16th December, 1996. It further stated that on account of difference of opinion, the petition was referred to a third Judge, who by a judgment dated 28th April, 2006 held that there was no application of mind in dispensing with a hearing under Section 5-A and directed the petition to be placed before the Division Bench of this Court for orders. It is further stated that the judgment of this Court was carried in appeal by the Respondents before the Supreme Court in SLP (C) Nos. 18514/2006 and 18617/2006, where the Supreme Court upheld the decision of this Court, while granting liberty to the Respondents to invite objections under Section 5-A and proceed with the acquisition in accordance with law. Reference is also made to a public notice dated 21st November, 2012, issued under Section 5-A, inviting objections from various landowners.

5. Thereafter, the petition alludes to the proceedings in the writ petitions before this Court challenging the said notification i.e. *Vasant Kunj Enclave Housing Welfare Society v. Govt. of NCT of Delhi* [W.P.(C) 7795/2012] and *Ruchi Vihar Housing Welfare Society v. Govt. of NCT of Delhi* [W.P.(C) 7802/2012]. It is stated that in the said proceedings this Court stayed the operation of the impugned notice. It is averred that the Petitioners were not a party in any of the aforesaid proceedings.

6. In para 20 of the petition, reference has been made to proceedings under Section 81 of the Delhi Land Reforms Act, 1954. It is stated in respect of the same that despite the subject land vesting in the *Gaon Sabha* pursuant to the said proceedings, the *Gaon Sabha* has not filed any execution petition to execute the decree passed under Section 81 of the Delhi Land Reforms Act,

1954. It is averred that if possession has not been taken as per Section 67 of the Delhi Land Reforms Act, 1954, the “bhumidari rights stand extinguished”. Accordingly, it is averred that the *Gaon Sabha* not having taken possession of the subject land, the land must now be treated as private land belonging to the Petitioners.

7. It is the case of the Petitioners that the fresh LAA Section 6 declaration dated 4th July, 2017 was issued after the lapse of the statutory period of one year and that even if the period of stay is accounted for, a delay of 4 years 7 months and 21 days continues to persist. It is further averred that the detailed written objections filed by the Petitioners to the aforesaid declaration were not considered. Reliance has been placed on the judgment of the Supreme Court in *Padma Sundara Rao v. State of Tamil Nadu (2002) 3 SCC 533*.

8. Counter affidavits have been filed on behalf of the LAC/L&B and the DDA. In the counter affidavit of the LAC/L&B, it is stated that the acquisition proceedings were challenged by the predecessors-in-interest of the Petitioners in *Inderjit Singh v. DDA [W.P.(C) 2492/1997]* and *Ram Swarup v. Union of India [W.P.(C) 3518/1996]*, where interim protection was granted on 16th December, 1996. It is stated that by a common judgment of this Court, dated 4th May, 2012, the impugned Section 6 declaration was quashed. It is stated that in respect of the subject land, interim protection orders remained in force until 12th October, 2015, as subsequently, several landowners challenged the public notice under Section 5-A in W.P.(C) 7802/2012 and W.P.(C) 7795/2012.

9. It is submitted by the LAC that the acquisition proceedings in respect of the subject land could not be completed due to interim orders in aforesaid petitions. It is also stated that the Petitioners' objections to the LAA Section 6 declaration dated 4th July, 2017 have been considered. It is further stated that the Section 6 declaration cannot be considered to have been issued after a delay as the stay granted by this Court in various writ petitions continued to operate and that "a stay in respect of some would be applicable to others also". Reference has been made to the judgment of the Supreme Court in ***Abhey Ram v. Union of India (1997) 5 SCC 421***.

10. In the counter affidavit filed on behalf of the DDA, it is stated that the Petitioners have not placed on record any documents to demonstrate that they are the recorded owners of the subject land. It is stated that the Petitioners have no *locus* to file the present petition. It is stated that the acquisition proceedings in respect of the subject land is complete and possession of the subject land has been handed over to the DDA. It is further stated that compensation of Rs. 13,47,00,000/- and Rs. 3,56,35,349/- has been paid to the land owners by way of cheques [cheque nos. 029530 and 642706] in respect of the land acquired under Award No. 2/98-99.

11. No rejoinder has been filed by the Petitioner to any of the aforesaid counter affidavits. Be that as it may, the issues raised by the Petitioner have been comprehensively dealt with by this Court in its judgment in ***Shivi Talwar v. Union of India 2019 (174) DRJ 390 [DB]***. There, nearly identical contentions raised by the Petitioners seeking reliefs akin to the one sought

by the present petitioners in relation to lands situated in Village Malikpur Kohi, Rangpuri, have been rejected by this Court.

12. Accordingly, the writ petition is dismissed. The application for stay is also disposed of.

S.MURALIDHAR, J.

TALWANT SINGH, J.

AUGUST 20, 2019
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