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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 9996/2024 CM APPL. 40945/2024**
SURJIT SINGH BAWA

.....Petitioner

Through: Mr.Rajesh Yadav, Sr Advocate with
Mr.Nalin Kohli, Mr.Tarun Khanna,
Mr.S.P.S.Chawla, Mr.S.Shishir,
Ms.Susham Mathur, Ms.Annu Gupta,
Ms.Sana Zaidi, Dr.Radesh Suri,
Mr.Uday Nagar, Mr.Umesh Diwan,
Mr.Mussaiyab Mehdi, Mr.Harkirat
Singh, Mr.Prateek Mathur and Mr.Ali
Mehdi, Advocates.

versus

UNION OF INDIA AND ORS

.....Respondent

Through: Mr.Subhash Tanwar, CGSC,
Mr.Sandeep Mishra and Mr.Ashish
Chaudhary Advocates and Mr.Vivek
Nagar, GP for R1/UOI.
Mr.Sanjay Kumar Pathak, SC,
Mr.Sunil Kumar Jha, Mr.M.S.Akhtar,
Ms.Nidhi Thakur and Mr.Mayank
Arora, Advocates for L&B.
Ms.Manika Tripathy, SC, Mr.Barun
Dey and Mr.Naveen Kumar Saraswat,
Advocates for DDA.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU
HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

% **24.07.2024**

1. The petitioner has filed the present petition, *inter alia*, impugning the



order dated 05.07.2024 (hereafter *the impugned order*) issued by the Land and Building Department, Government of NCT of Delhi/respondent no.2 under instructions of the Competent Authority (respondent no.1).

2. By the impugned order, the petitioner's representation for release of the subject land from acquisition in terms of Section 48 of the Land Acquisition Act, 1894 was rejected.

3. The petitioner on earlier occasion filed the writ petition being W.P.(C) No.19696/2004 which was disposed of by a common order dated 15.03.2010 whereby this Court had noted that the Hon'ble Lieutenant Governor is to re-examine the petitioner's request and would have the benefit of complete material for considering the petitioner's application under Section 48 of the Land Acquisition Act, 1894.

4. In the aforesaid circumstances, this Court disposed of the petition [W.P.(C) 19696/2024] by clarifying that the earlier rejection of the petitioner's application for release of the subject land from acquisition would not come in the way of Hon'ble Lieutenant Governor examining the grievance of the petitioner and the request for release of the subject land. The Court also indicated that the said decision would be taken with the assistance of the petitioner.

5. The petitioner's representation continued to remain pending and was finally rejected by the impugned order. One of the grievances raised by the petitioner is that the impugned order was passed without the assistance of the petitioner as was directed by this Court.

6. Mr Pathak, learned counsel for the respondents states on instructions that the Competent Authority shall pass a fresh order after affording an opportunity of being heard to the petitioner.



7. In view of the above, the impugned order is set aside and the petitioner's representation for release of the subject land is restored before the Competent Authority for consideration afresh. The interim protection as was available to petitioner in terms of the order dated 15.03.2010 shall continue to be operative till such time the matter is considered afresh by the Competent Authority

8. It is clarified that all rights and contentions of the parties are reserved.

9. The petition stands disposed of in the aforesaid terms. Pending application also stands disposed of.

VIBHU BAKHRU, J

SACHIN DATTA, J

JULY 24, 2024

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Click here to check corrigendum, if any