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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 3292/2018 and CM APPL. 45887/2023 (Impleadment)
SMT. KIRAN GUPTA AND ORS.Petitioners

Through: Mr. N.S. Dalal, Ms. Rachna
Dalal, Mr. Alok Kumar & Ms.
Sweta Kadyan, Advs.

versus

GOVT. OF N.C.T. OF DELHI AND ORS.Respondents

Through: Mr. Biraja Mahapatra & Mr.
Nalin Hingorani, Advs. for
L&B.
Ms. Manika Tripathy, SC with
Mr. Vansh Kalra, Adv. for
DDA.

+ W.P.(C) 3532/2018 and CM APPL. 47637/2023 (Impleadment)
SHRI RAJESH KUMAR AND ORS.Petitioners

Through: Mr. N.S. Dalal, Ms. Rachna
Dalal, Mr. Alok Kumar & Ms.
Sweta Kadyan, Advs.

versus

GOVT. OF N.C.T. OF DELHI AND ORS.Respondents

Through: Mr. Biraja Mahapatra & Mr.
Nalin Hingorani, Advs. for
L&B.
Ms. Manika Tripathy, SC with
Mr. Vansh Kalra, Adv. for
DDA.

CORAM:
HON'BLE MR. JUSTICE YASHWANT VARMA
HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER
29.11.2024

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1. From the record, we find that the present writ petitioners had earlier approached this Court by way of W.P.(C) 2672/2014 and W.P.(C) 2682/2014 respectively, seeking a declaration to the effect that the subject acquisition would be deemed to have lapsed by virtue of Section 24(2) of the **Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013**¹.

2. Those writ petitions came to be disposed of on 27 February 2018 with the Court observing as follows:

“10. At this stage, Mr. Dalai, learned counsel for the petitioners submits that since these writ petitions are required to be amended extensively, he wishes to withdraw the present writ petitions with liberty to file a fresh petition raising all the pleas available to him. He further submits that he would file fresh petitions within two weeks and till such period interim order may be continued.”

3. It is pursuant to the liberty accorded therein that the writ petitioners have now approached this Court seeking the following reliefs:

W.P.(C) 3292/2018

“(i) Issue an appropriate writ, order or direction thereby quashing the Award No.9/2008-09/DC (NW) concerning the land of Khasra No.35/23/2 min. to the extent of 1 bigha 15 biswas and Khasra No.35/23/1 min. to the extent of 5 biswas situated in the revenue estate of Village Mamurpur, Delhi, which is sought to be acquired by the aforesaid award;

(ii) Issue an appropriate writ, order or direction thereby declaring the proceedings arising out of Award No.9/2008-09/DC (NW) qua the land of Khasra No.35/23/2 min. to the extent of 1 bigha 15 biswas and khasra no.3 5/23/1 min. to the extent of 5 biswas situated in the revenue estate of Village Mamurpur, Delhi, as nullity in the eyes of law having been acquired in violation of law and without following the process of law;

(iii) Issue an appropriate writ, order or direction thereby prohibiting the respondents, their officials, employees, etc. from

¹ Act



interfering in any manner in the peaceful use and enjoyment of the land of Khasra No.35/23/2 min. to the extent of 1 bigha 15 biswas and khasra no.35/23/1 min. to the extent of 5 biswas situated in the revenue estate of Village Mamurpur, Delhi, by the Petitioners;

(iv) Pass any such other or further orders as this Hon' ble Court may deem fit and proper on the facts and in the circumstances of the case, in favour of the Petitioners and against the Respondents.”

W.P.(C) 3532/2018

“(i) Issue an appropriate writ, order or direction thereby quashing the Award No.9/2008-09/DC (NW) concerning the land of Khasra No.35/24 min. measuring 2 Bighas situated in the revenue estate of Village Mamurpur, Delhi, which is sought to be acquired by the aforesaid award;

(ii) Issue an appropriate writ, order or direction thereby declaring the proceedings arising out of Award No.9/2008-09/DC (NW) qua the land of Khasra No.35/24 min. measuring 2 bighas situated in the revenue estate of Village Mamurpur, Delhi, as nullity in the eyes of law having been acquired in violation of law and without following the process of law;

(iii) Issue an appropriate writ, order or direction thereby prohibiting the respondents, their officials, employees, etc. from interfering in any manner in the peaceful use and enjoyment of the land of Khasra No.35/24 min. measuring 2 Bighas situated in the revenue estate of Village Mamurpur, Delhi, by the Petitioners;

(iv) Pass any such other or further orders as this Hon'ble Court may deem fit and proper on the facts and in the circumstances of the case, in favour of the Petitioners and against the Respondents.”

4. The challenge now raised is to the award which was rendered concerning the respective lands of the petitioners, with it being asserted that since no notices as contemplated under Section 12(2) of the Act had been served, the award is liable to be quashed.

5. It would be apposite to note that this issue is no longer *res integra* and would appear to be settled by a Full Bench of this Court in **Roshanara Begum vs. Union of India**² where the Court had held as follows:



“125. In a recent judgment in the case of *Sharadchandra Ganesh Muley v. State of Maharashtra & Others*, JT 1995 (7) SC 317, The Supreme Court has laid down that signing of the award on a particular date is conclusive evidence of making of the award. So, service of notice under Section 12 is not mandatory and even if no notice is served under Section 12 the award would remain valid and only limitation for seeking reference for enhancement of the compensation would commence when the aggrieved person comes to know about the making of the award.”

6. Apart from the aspect of lack of notice, no other submission was addressed before us. Consequently, and in light of what the Full Bench came to hold in *Roshanara Begum*, we find no merit in the challenge which stands raised.

7. These writ petitions shall accordingly stand dismissed.

YASHWANT VARMA, J.

DHARMESH SHARMA, J.

NOVEMBER 29, 2024
Ch

² 1995 SCC OnLine Del 849