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

+ W.P.(C) 12360/2022

RAJIV AGARWAL AND ANR.

.....Petitioners

Through: Mr. Tushar Kwatra, Adv. through VC.

versus

UNION OF INDIA AND ORS.

.....Respondents

Through: Mr. Nitin Mishra, Adv. for DDA.
Mr. Rajneesh Sharma and Mr. Anil
Pandey, Advs. for R-4 & R-5.
Mr. Jitesh Vikram Srivastava, SPC
for UOI.

CORAM:

HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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11.08.2025

1. The prayer in the amended petition is as under:-

“a. Issue writ of declaration declaring the acquisition proceedings together with the impugned notifications and award (if any) to be illegal, unconstitutional and null and void and issue writ of Certiorari to quash Notification No. F.11(17)/91-L&BILA/6518 dated 28.04.1995 issued Under Section 4 of the Land Acquisition Act, 1894 (herein referred as to the 'Act') and the subsequent declaration of Notification No. F.11(1?)/91/L&BILA/1285 dated 26.04.2013 issued Under Section 6 of the Land Acquisition Act, 1894; and all acquisition proceedings there under including award (if passed) vis-a-vis the land Khasra No. 299, 300, 305 & 306 area 01



bigha 1.5 biswa, in the revenue estate of village Shahbad Daulatpur, Delhi has lapsed due to the failure on the part of the respondents in not issuing the notification under Section 6 of the Land Acquisition Act within the stipulated time of one year from the date of Judgment dated 21.03.20i'2 of the Hon'ble Supreme Court of India;

b. Writ, order or direction in the nature of prohibition thereby restraining the respondents, their officers, agents or their representatives or anybody claiming through them from dispossessing the petitioners from her settled possession over the land in dispute as found mentioned in writ petition and changing the nature, title and character of land in dispute falling In the revenue. estate of Village- Shahbad Daulatpur, Delhi.

c. Award costs of the writ petition in favor of petitioners;

d. Any other or further writ, order or direction which this Hon'ble Court deem fit and proper in the facts and circumstances of the present case may kindly be passed in favor of the petitioners.”

2. Perusal of the prayer clause depicts that petitioners are seeking quashing of notification dated 28th April 1995, issued under Section 4 of the Land Acquisition Act 1894 (**‘Act of 1894’**) and subsequent declaration *vide* notification dated 26th April 2013 under Section 6 of the Act of 1894 and the acquisition proceedings, including the award.

3. The fact remains that the petition is preferred by petitioners in 2022, questioning the aforesaid acquisition proceedings.

4. To explain the delay, counsel for petitioner has invited our attention to the order of the Apex Court delivered in proceedings initiated by the Resident



Welfare Association ('RWA') in ***Prahlad Vihar Resident Assn. and Others Vs. Union of India and Others***, Civil Appeal No. 3022-3023/2012, passed on 21st March 2012.

5. Counsel for petitioner urges that since, identically placed land owners benefited under the aforesaid order, judicial discipline warrants that the benefit thereunder, should also be extended to the petitioners.

6. The aforesaid prayer is strenuously opposed by the counsel appearing for respondent no. 4/ Land Acquisition Authority ('LAC') and the other respondents, as according to them the petition not only suffers from delay and laches, but it is in 2023 by amending the petition, the petitioner sought to bring the claim before this Court by relying on the aforesaid order of the Apex Court in ***Prahlad Vihar Resident Assn. and Others Vs. Union of India and Others (supra)*** passed on 21st March 2012 . It is claimed that the petition is not only time barred, but also the award, which was passed way back after the Section 4 notification has already been acted upon by respondents.

7. We have considered the rival claims.

8. Perusal of the prayer clause in the petition reflects that the petitioner is questioning the Section 4 notification issued under Land Acquisition Act on 28th April 1995, Section 6 declaration issued on 26th April 2013, and the award of the respondent no. 4/LAC passed immediately thereafter.

9. Merely because the RWA has approached the Apex Court and to which petitioners were not a party by itself does not lead to the conclusion that petitioner *ipso facto* is entitled to the benefit of the order of the Apex Court in ***Prahlad Vihar Resident Assn. (supra)***.

10. The fact remains that the award is holding the field for last more than 10 years. The only explanation coming forth from the petitioners is that they



were under *bona fide* impression that they were part of the proceedings before the Apex Court which were initiated in the case of ***Prahlad Vihar Resident Assn. (supra)***.

11. When confronted, the petitioners are not able to demonstrate that any time before he had approached the Apex Court and he was promised by RWA that his grievance shall also be canvassed.

12. In absence of convincing material on record, this Court is not inclined to accept the contentions canvassed by petitioners, that there is a *bona fide* mistake on the part of petitioners in approaching at a belated stage.

13. Rather, we are left with no other option from those foresaid narrations in that the writ petition is time barred. Accordingly, the petition stands dismissed.

14. Pending application(s), if any, are rendered infructuous.

15. Order be uploaded on the website of this Court.

NITIN WASUDEO SAMBRE, J

ANISH DAYAL, J

AUGUST 11, 2025/sky/zb