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

+ **W.P.(C) 378/2026 & CM APPL. 1827/2026**

AVALANCHE INDIA PRIVATE LIMITEDPetitioner

Through: Mr. Rajesh Yadav, Sr. Adv. with
Mr.Praveen Alok & Mr.Karan
Khaitan, Advs. (9717864162)

versus

**ADDITIONAL DISTRICT MAGISTRATE/LAND ACQUISITION
COLLECTOR (SOUTH) & ORS.**Respondents

Through: Mr. Shobhana Takiar, Standing
Counsel for DDA with Mr. Shivam
Takiar, Mr. Prateek Dhir & Mr.
Kuljeet Singh, Advs. (9810962950)
Mr. Sanjay Kumar Pathak (Standing
Counsel) with Mr. Sunil Kumar Jha,
Mr. M.S. Akhtar & Ms. Joohu Kumari,
Advs. for R-2 to 4/ LAC (8765745664)

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

ORDER

% **12.01.2026**

1. This hearing has been done through hybrid mode.
2. The present writ petition has been filed by the Petitioner Company challenging the recent issuance of the notice dated 5th January, 2026 by the Additional District Magistrate, South. The said notice reads as under:

“Whereas, the land comprised in Khasra No. 1303 (4-16) & 1304/1 (2-00) of Village Chattarpur, Delhi, was duly acquired by the Government for planned development of Delhi under the provisions of the Land Acquisition Act, 1894 vide Award No. 15/87-88 dated 05.06.1987.



And whereas, DDA vide letter dated 09.12.2025 had requested to the undersigned to hand over the physical possession of the aforementioned land. And whereas, a joint survey was carried out on 31.12.2025 and the said land was found vacant within boundary wall. Now, therefore, in view of the above, all unauthorized occupants/encroachers presently in unauthorized possession of above mentioned land are hereby directed to vacate the land and remove all unauthorized structures/ constructions/ encroachments at their own risk and cost within 15 days from the date of issuance of this notice failing which, necessary action for removal of the unauthorized encroachments/ structures shall be taken by this office.”

3. The brief background giving rise to the present petition is that as per the Petitioner, Khasra No.1303 was notified for requisition on 25th November, 1980 under Section 4 of the Land Acquisition Act, 1894 (*hereinafter, ‘the Act’*).
4. Thereafter, a declaration under Section 6 of the Act was also issued on 7th June, 1985. The award under Section 11 of the Act was eventually passed on 5th June, 1987. However, as per the Petitioner, on 8th September, 1987, a Gazette Notification was issued under Section 48 of the Act, withdrawing the land from acquisition.
5. The submission of Mr. Rajesh Yadav, Id. Sr. Counsel for the Petitioner is that the Petitioner had purchased the said land through a sale deed dated 23rd September, 2004 and the land also stood mutated in favour of the Petitioner in the Khatuni for the year 1990-1991 vide Mutation Order No. 114/04-05 dated 17th January, 2005.
6. After the said purchase, there was no disturbance caused to peaceful possession and occupation of the property to the Petitioner since 2005.



However, on 5th January, 2026, i.e., 21 years later, the impugned notice was issued, to which a reply is also stated to have been filed by the Petitioner on 6th January, 2026.

7. The prayer in the writ petition is that the notice dated 5th January, 2026 ought to be directed to be withdrawn by the LAC as the land Khasra No.1303 has already been withdrawn from land acquisition *vide* the Gazette Notification dated 8th September, 1987.

8. Ld. Counsel for the Land Acquisition Collector (*hereinafter*, 'LAC') submits that the reply of the Petitioner dated 6th January, 2026 has been received and the LAC would be considering all the documents that form a part of the reply, including the withdrawal notification dated 8th September, 1987.

9. He further submits that fresh consideration would be given to the entire matter and after considering the submissions of the Petitioner, a fresh order would be passed.

10. In view of the fact that the impugned notice dated 5th January, 2026 had directed all the occupants to remove their construction/structures within 15 days and there was a serious apprehension of the Petitioner being dispossessed, the following directions are issued:

- (i) The reply of the Petitioner dated 6th January, 2026 in response to the impugned notice dated 5th January, 2026 shall be considered by the LAC;
- (ii) If a hearing is required, the same shall be afforded by the LAC on a date convenient to the Petitioner;
- (iii) A fresh order shall be passed by the LAC, taking into consideration the submissions made by the Petitioner in its reply and any oral submissions made;



- (iv) Until a fresh decision is taken, the Petitioner shall not be dispossessed;
- (v) If any fresh order is to be passed, in that case, the same shall not be given effect to for a period of 15 days, from the date of communication of such order, in order to enable the Petitioner to avail of its remedies in accordance with law.
11. The impugned notice dated 5th January, 2026 shall not be given effect to *qua* the Petitioner in view of the above directions.
12. It is made clear that this Court has not examined the merits of the case.
13. The petition along with pending application, is disposed of in the aforesaid terms.

PRATHIBA M. SINGH, J

MADHU JAIN, J

JANUARY 12, 2026

kk/ss