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

Date of decision: 27th October, 2026
Uploaded on: 30th October, 2026

\# **CNR No. DLHC010229542026**

\+ **W.P.(C) 7003/2026 & CM APPL. 34393/2026**

SUKHBIR SINGH RANDHAWA & ORS. .....Petitioners

Through: Mr. Arjun Anand, Ms. Priyam Wadhawan, Ms. Isha Shukla & Mr. Vibhash Kumar Singh, Advocates

versus

GOVERNMENT OF NCT OF DELHI & ORS. .....Respondents

Through: Mr. Prashant Diwan, Advocate for R-1 to R-3
Ms. Pratima N. Lakra, CGSC and Mr. Shailendra Kumar Mishra, Advocate for R-4
Mr. Shivam Goel, Mr. Anil Kumar Goyal, Ms. Ramya S.Goel, Ms.Sanya Sharma, Ms. Ishika Kanyal, Advocates for NHAI/R-5
Ms. Jyoti Mendiratta & Ms. Ananya Basudha for R-8 to R-10

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE DINESH BHATT

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

W.P.(C) 7003/2026 & CM APPL. 34393/2026 (for interim protection)

2. The present petition has been filed by the Petitioners under Articles 226 and 227 of the Constitution of India, *inter alia*, seeking reliefs in respect of

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land comprising in *Khasra* Nos. 262/1, 262/2, 263, 264/1/2, 267, 268, 270 and 272/1, situated in the Village Malikpur Kohi alias Rangpuri, Tehsil Mehrauli, New Delhi. *(hereinafter, 'the subject land')*.

3. At the outset today, ld. counsel for the Petitioners submits that he has instructions to withdraw this petition and he seeks liberty to file a fresh petition. In the opinion of this Court, such liberty would not be liable to be granted due to the reasons set out herein.

4. Ld. Counsel for the Land Acquisition Collector also submits that he has filed the counter affidavit, though belatedly. The delay in filing the said counter affidavit is condoned. The same be brought on record.

5. The brief background of the present case is that, a notification under Section 3A of the National Highways Act, 1956 *(hereinafter, 'NHAI Act')* dated 12th January, 2018 was issued by the Ministry of Road Transport and Highways, wherein the subject land was sought to be acquired. The acquisition was for the purposes of development of the Dwarka Expressway.

6. Subsequent to the said notification, a notification under Section 3D of the NHAI Act was also issued on 5th June, 2018.

7. The Petitioners claim to have purchased the subject land way back in 1993, from the earlier recorded owners, who are impleaded as Respondent Nos. 6 to 16.

8. Thereafter, certain disputes arose between the recorded owners and the Petitioners, resulting in a suit for specific performance being filed by the Petitioners being ***CS. No. 7179/2016***. The said suit was decreed *vide* judgment dated 6th June, 2019 passed by the ld. Additional District Judge (South District), Saket Court Complex.

9. In terms of the said judgement, the civil court has only granted a refund

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of a sum of Rs.48,25,000/-. The relevant portion of the said judgement is set out below:

> *" Relief*
> *7. In final analysis, in view of the discussion above, the plaintiff is not entitled for the specific performance of the contract with regard to the suit property.* ***The plaintiff is only entitled to refund of ₹48,25,000/- from the defendants and the defendants are entitled for the peaceful, vacant possession of the suit property i.e. land bearing khasra No. 262/1(2-16), 262/2(2-0), 263(4-16), 264/1/2(0-12), 267(4-16), 268(4-16), 270(3-18), 272/1(2-7), situated in village Malikpur Kohi alias Rangpuri, Tehsil Mehrauli, New Delhi from the plaintiff.***
>
> *The suit is accordingly partly decreed in aforesaid terms. Decree-sheet be prepared after payment of deficit courtfee. Parties are left to bear their own costs."*

10. Thereafter, the judgement dated 6th June, 2019 has been challenged before a ld. Single Judge of this Court in ***RFA No. 679/2019***, wherein the judgment dated 6th June, 2019 has been stayed.

11. Insofar as the acquisition of the subject land is concerned, subsequent to the issuance of notifications under Section 3A and Section 3D of the NHAI Act, the Award No.2/2018/NHAI has also been passed on 18th December, 2018.

12. The present petition has been filed at this stage on the ground that the boundary wall situated on the Petitioners' land is being demolished and, therefore, an interim order is sought.

13. On 20th May, 2026, the following submissions were made by the ld. Counsels for the parties:

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Signing Date:30.10.2026 17:29

"[...]

12. It is further contended that the acquisition proceedings of the subject land are liable to be quashed, inasmuch as the period of five years for utilisation of the land prescribed under Section 101 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (hereinafter, 'Act, 2013') has elapsed.

13. Ld. Counsel for the Petitioner also submits that the 'Preliminary notice for removal of unauthorised occupation' issued by the National Highways Authority of India (hereinafter, 'NHAI') dated 14th May, 2026 was also not issued in respect of the correct khasra no. and, therefore, the taking over of possession of the subject land is illegal and unlawful.

14. On the other hand, Mr. Goel, ld. Counsel for the NHAI has made the following submissions:

(i) The Petitioners were proceeding on the basis that the acquisition of the subject land was under the old Land Acquisition Act, 1894 (hereinafter, 'Act, 1894') and not the Act, 2013, which is completely incorrect.

(ii) The present acquisition is governed by the provisions of the NHAI Act and, therefore, upon the issuance of notification under Section 3D of the NHAI Act, the subject land vests absolutely with the Central Government.

(iii) The compensation amount of Rs.4,42,41,462/- has already been deposited in terms of the Section 3H(4) of the NHAI Act, before the reference court, ld. ADJ, Patiala House Courts, New Delhi. Thus, it is stated that the compensation having been deposited, and the subject land already being vested with the Central Government, no relief can be granted to

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the Petitioners."

14. On the said date, after considering the submissions made by the parties, the Court had observed as under:

> *"[...] 15. Heard the ld. counsels for the parties. The first and foremost fact that deserves to be noted is that the notifications issued for acquisition are under Section 3A and Section 3D of the NHAI Act.*
>
> *16. Section 3D of the NHAI Act is clear to the following effect:*
> *"**3D. Declaration of acquisition.—**(1) Where no objection under sub-section (1) of section 3C has been made to the competent authority within the period specified therein or where the competent authority has disallowed the objection under sub-section (2) of that section, the competent authority shall, as soon as may be, submit a report accordingly to the Central Government and on receipt of such report, the Central Government shall declare, by notification in the Official Gazette, that the land should be acquired for the purpose or purposes mentioned in sub-section (1) of section 3A.*
>
> ***(2) On the publication of the declaration under sub-section (1), the land shall vest absolutely in the Central Government free from all encumbrances.**"*
>
> *17. As can be seen from Section 3D(2), upon the issuance of the notification under Section 3D, the land vests absolutely with the Central Government.*
>
> *18. The same has also been reiterated by the Supreme Court in its decision dated 20th July, 2021 titled **NHAI v. M. Hakeem, (2021) 9 SCC 1** wherein the Supreme Court has observed as under:*

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Signing Date:30.10.2026 17:29

"[...]

52. <u>As has been stated by us, the object of the NH Laws (Amendment) Act, 1997 is to expedite the process of acquisition.</u> *This has been achieved by cutting down the period for hearing of objections from 30 days under Section 5-A of the Land Acquisition Act to 21 days under Section 3-C of the National Highways Act. Further, unlike the Land Acquisition Act,* ***<u>the moment a notification under Section 3-D(2) of the National Highways Act (equivalent to Section 6 of the Land Acquisition Act) is made, the land vests absolutely in the Central Government free from all encumbrances.</u>*** *Thereafter, where land has vested in the Central Government and the amount determined by the competent authority under Section 3-G as compensation has been deposited by the Central Government in accordance with Section 3-H(1), the competent authority may then direct that possession be taken within 60 days of service of notice by it.*

19. Moreover, the Petitioners have also been completely recalcitrant in approaching the Court. The Petitioners have failed to file any objections pursuant to the issuance of the notification under Section 3A of the NHAI Act, which ought to have been filed within the period specified in the notification under Section 3A of the NHAI Act. No objections have been filed by the Petitioners till date.

20. The notification under Section 3D of the NHAI Act has been issued and the Award has also been passed. The Petitioners are also aware that the compensation stands deposited. The

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Signing Date:30.10.2026 17:29

> *compensation cannot be released to the Petitioners till the civil disputes between them and the recorded owners of the subject land are resolved. The reference court is taking a view in this regard and the decree for specific performance is also a subject matter of an appeal before this Court....”*

15. In terms thereof, the Court observed that pursuant to the notification under Section 3D of the NHAI Act, the subject land vests absolutely with the Central Government. It was also noted that the Petitioners did not file any objections under Section 3C of the NHAI Act within the period prescribed and, indeed, have not filed any objections till date. Further, it was noted that the Award has also been passed, and the compensation stands deposited. It was also noted that the release of compensation to the Petitioners would be contingent upon the resolution of the civil disputes between the Petitioners and the contesting respondents, which are pending before the reference court and in appeal before this Court.

16. In these circumstances, the Court observed that the prayer for interim relief was not made out. Thereafter, the Court had also directed as under:

> *“24. In the meantime, the Respondents shall place on record* ***the details of the notification under Section 3D of the NHAI Act, the panchnama showing the possession of the subject land being taken, as also the details of the compensation that has been deposited.”***

17. Today, ld. Counsel for the National Highways Authority of India *(hereinafter, ‘NHAI’)* submits that the possession of the subject land was taken way back on 1st October, 2020 and 22nd February, 2021, as per *kabza karyavahi* dated 1st October, 2020 and 1st March, 2021. Thus, the stand of the Petitioners that they were in possession of the property when they filed the

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present petition itself, was completely *malafide,* as per NHAI.

18. Ld. Counsel for the Petitioner submits that the physical possession of the subject land was taken only on 20th May, 2026.

19. Ld. Counsel for Respondent Nos. 8 to 10 also challenges the *locus standi* of the Petitioners, who have already lost in the specific performance suit being ***CS. No. 7179/2016***.

20. Further, it is pointed out by ld. Counsel for NHAI that after the filing of the present petition, the Petitioner No.1 had filed another writ petition which was listed before the learned Single Judge being ***W.P. (C) No. 7052/2026*** titled ***'Sukhbir Singh Randhawa v. National Highway Authority of India and ors.'*** wherein, in respect of the same award, though a separate *khasra*, bearing No. 259/2, situated in the Village Malikpur Kohi alias Rangpuri, Tehsil Mehrauli, New Delhi, certain reliefs were sought. The said writ petition was dismissed by the Court on the ground that there was non-disclosure of proceedings of the present matter.

21. A perusal of order dated 21st September, 2026, in ***W.P. (C) No. 7052/2026*** shows that the ld. Single Judge had taken a strict view of the non-disclosure by the Petitioners and had dismissed the writ petition. The relevant portion of the order dated 21st September, 2026 is set out below:

> *"xxxx xxxx xxxx*
>
> *11. The petitioner had himself produced the Notification dated 12.01.2018 and Award dated 18.12.2018 in the said petition. Significantly, the Schedule appended to the very same Notification dated 12.01.2018 also includes Khasra No. 259/2, which is the subject matter of the present petition.* ***Thus, although the relief sought in the earlier writ petition pertained to other khasra numbers, it is evident that the petitioner was aware of***

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Signing Date:30.10.2026 17:29

the acquisition proceedings with respect to the subject property, even though he has claimed to the contrary in his petition.

12. ***The petitioner ought to have disclosed their challenge to the acquisition proceedings before this Court. The non-disclosure of the aforesaid facts regarding earlier proceedings before this Court in the petition filed by the petitioner herein, is a serious matter. The petitioner has concealed material facts pertaining to the present case and has not approached this Court with clean hands.***

13. This Court exercises discretionary and extraordinary jurisdiction under Article 226 of the Constitution, it is therefore of utmost necessity that when a party approaches the Court by way of a writ petition, they must place all the material facts before this Court. If there is a suppression of material facts on the part of the petitioner or twisted facts have been placed before this Court, the said petition may not be entertained and dismissed without entering into the merits of the matter.

14. Since petitioner has concealed material facts which have direct bearing on the result of this writ petition, I am of the view that petitioner is not entitled for any relief from this Court in exercise of its extraordinary jurisdiction under Article 226 of the Constitution of India.

15. Accordingly, the present petition is dismissed.

22. After hearing the ld. Counsels for the parties, it becomes clear that the Petitioners do not deserve to be granted any liberty to file a fresh writ petition, in view of the facts recorded above.

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23. Under the above recorded factual circumstances, the petition is dismissed as withdrawn. However, no liberty is granted, as prayed for. Remedies, if any, for claiming compensation in respect of the subject land are however left open, to be availed in accordance with law.

PRATHIBA M. SINGH
JUDGE

DINESH BHATT
JUDGE

OCTOBER 27, 2026
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