



\$~43

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

%

Date of Decision: September 21st, 2026

#

CNR No. DLHC010230342026

+

W.P.(C) 7052/2026, CM APPL. 34566/2026, CM APPL. 36076/2026 CM APPL. 64438/2026**SUKHBIR SINGH RANDHAWA****.....Petitioner**

Through: Mr. Arjun Anand, Mr. Manish
Sharma, Ms. Priyam
Wadhawan, Ms. Isha Shukla &
Mr. Vibhash Kr. Singh, Advs.

versus

NATIONAL HIGHWAY AUTHORITY OF INDIA & ORS.**.....Respondents**

Through: Adv. Arni Singh, PC, GNCTD
along with Adv. Vaibhav
Sharma.

CORAM:**HON'BLE MR. JUSTICE AMIT MAHAJAN****AMIT MAHAJAN, J. (Oral)**

1. By way of the present petition, the petitioner seeks the following prayers:

“a) Issue a writ of Mandamus or any other appropriate writ, order or directions directing the Respondent Authorities, specifically respondent no.1 i.e. the NHAI to provide the petitioner with the notification(s) issued under the relevant provisions of law through which the land in question i.e. Khasra Nos.259/2, situated in the revenue estate of Village Malikpur Kohi @Rangpuri, Tehsil Mehrauli, New Delhi - 110030 was acquired by the said respondent for National Highway purposes in the interest of justice.

b) Issue a writ of Mandamus or any other appropriate writ, order or directions directing the Respondent Authorities, specifically respondent no.3 i.e. the DM to provide the petitioner with the order issued under the relevant provisions of law through which the said respondent had passed an order to vacate the subject property i.e.



the land in question i.e. Khasra Nos.259/2, situated in the revenue estate of Village Malikpur Kohi @Rangpuri, Tehsil Mehrauli, New Delhi – 110030, in the interest of justice.

c) Issue a writ of Mandamus or any other appropriate writ, order or directions directing the Respondent Authorities, specifically respondent no.1 i.e. to provide the petitioner with award, if any that has been passed by the said respondent qua the subject property i.e. the land in question i.e. Khasra Nos.259/2, situated in the revenue estate of Village Malikpur Kohi @Rangpuri, Tehsil Mehrauli, New Delhi – 110030, in the interest of justice.

d) Issue a writ of Mandamus or any other appropriate writ, order or directions directing the Respondent Authorities, specifically respondent no.1 i.e. to provide the petitioner with demarcation report qua the subject property i.e. the land in question i.e. Khasra Nos.259/2, situated in the revenue estate of Village Malikpur Kohi @Rangpuri, Tehsil Mehrauli, New Delhi – 110030, in the interest of justice.

e) Quash and set aside the notice dated 14.05.2026 being bad in law, arbitrary and illegal, whereby the respondents had alleged removal of unthorised occupation qua the subject property i.e. the land in question i.e. Khasra Nos.259/2, situated in the revenue estate of Village Malikpur Kohi @Rangpuri, Tehsil Mehrauli, New Delhi – 110030, in the interest of justice

f) Pass an ad-interim ex-parte order thereby restraining the Respondent no.1 to 3, their agents, officials, assignees or anybody acting on their behalf from taking physical possession of the subject land/property land in question i.e. Khasra Nos.259/2, situated in the revenue estate of Village Malikpur Kohi @Rangpuri, Tehsil Mehrauli, during the pendency of the present writ petition;

g) Pass an ad-interim ex-parte order thereby restraining the Respondent no.1 to 3, their agents, officials, assignees or anybody acting on their behalf from taking any action such as demolition over the subject land/property land in question i.e. Khasra Nos.259/2, situated in the revenue estate of Village Malikpur Kohi @Rangpuri, Tehsil Mehrauli, during the pendency of the present writ petition;

h) Direct the Respondent Authorities to refrain from interfering with the peaceful, settled and continuous possession of the Petitioners over the subject land except in accordance with due process of law.

i) Pass such other and further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case."

2. It is the case of the petitioner that he is in settled and continuous possession of the subject property bearing Khasra No. 259/2, Village



Malikpur Kohi @ Rangpuri, New Delhi. The petitioner's grievance is primarily against the Preliminary Notice dated 14.05.2026 issued by Respondent No.1 alleging unauthorized occupation of the subject property.

3. It is contended that the said notice was not even addressed to the petitioner or his deceased father, despite the petitioner being in actual possession of the property. The petitioner submits that the notice does not disclose the basis on which his occupation has been treated as unauthorized and does not mention the name of the petitioner, his father or the erstwhile owner of the property.

4. The petitioner further submits that the notice does not disclose any particulars of the alleged acquisition of the subject property, including the acquisition notifications, award, vesting proceedings or demarcation report. He submits that no such documents were furnished to him despite his representation dated 18.05.2026 seeking copies thereof. It is, therefore, contended that the petitioner was not afforded any effective opportunity to ascertain the basis of the respondents' claim or to contest the proposed action.

5. He submits that the petitioner, being the person actually in possession of the property, ought to have been issued a proper notice and furnished the documents relied upon by the respondents before any coercive action could be taken against him.

6. *Per contra*, learned counsel for the respondents submits that the entire premise of the petition is misconceived as the subject land had already been acquired under the National Highways Act, 1956 in the year 2018.



7. He submits that the acquisition proceedings commenced with the notification dated 12.01.2018 issued under Section 3A of the National Highways Act, and culminated in Award No. 02/2018/NHAI dated 18.12.2018.

8. He submits that physical possession of the acquired land was taken on 01.10.2020 and, consequently, the petitioner has no subsisting right to remain in possession of the subject land. He submits that the notice dated 14.05.2026 was issued after unauthorized occupation was noticed on the acquired highway land.

9. He further submits that the petitioner was fully aware of the acquisition proceedings and has deliberately suppressed the said fact from this Court. In this regard, reliance is placed upon W.P.(C) 7003/2026 filed by the petitioner shortly before the present petition, wherein the acquisition notification and the award forming part of the same acquisition proceedings had been placed on record by the petitioner himself. It is, therefore, submitted that the petitioner's assertion in the present petition that he had no knowledge of the acquisition proceedings is demonstrably false.

10. The respondents have placed on record W.P.(C) 7003/2026, filed by the petitioner shortly prior to the present petition. Though the relief sought in the said petition was in respect of Khasra Nos. 262/1, 262/2, 263, 264/1/2, 267, 268, 270 and 272/1, the petitioner had therein specifically challenged the acquisition proceedings initiated *vide* Notification dated 12.01.2018 and Award dated 18.12.2018. The petitioner had prayed for the following prayers in the aforesaid Writ Petition:



“a) Issue a writ of Mandamus or any other appropriate writ, order or direction directing the Respondent Authorities to release/de-notify the land comprised in Khasra Nos. 262/1, 262/2, 263, 264/1/2, 267, 268, 270 and 272/1, situated in the revenue estate of Village Malikpur Kohi alias Rangpuri, Tehsil Mehrauli, New Delhi, which was sought to be acquired vide Notification dated 12.01.2018 and Award dated 18.12.2018, in view of the admitted non-taking of physical possession and continued nonutilisation of the subject land, and consequently direct the Respondent Authorities to withdraw/release the said land from acquisition proceedings and restore/release the same in favour of the recorded owners and their respective legal heirs, in the event of the demise of the recorded owners, in accordance with Section 101 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and Section 48 of the Land Acquisition Act, 1894, and pass such further orders as this Hon’ble Court may deem fit and proper in the facts and circumstances of the present case.

b) Direct release/disbursement of the compensation amount of Rs. 4,42,41,462/- deposited before the Ld. ADJ, Patiala House Courts, New Delhi under Section 3H(4) of the National Highways Act, 1956, together with all accrued interest, accretions and consequential benefits accrued thereupon from the date of deposit till actual realization, in favour of the Petitioners.

c) Pass an ad-interim ex-parte order thereby restraining the Respondents, their agents, officials, assignees or anybody acting on their behalf from taking physical possession of the subject land/property comprised in Khasra Nos. 262/1, 262/2, 263, 264/1/2, 267, 268, 270 and 272/1 situated in the revenue estate of Village Malikpur Kohi @ Rangpuri, Tehsil Mehrauli, New Delhi - 110030, during the pendency of the present writ petition;

d) Direct the Respondent Authorities to de-notify the aforesaid land in favour of the aforementioned recorded owners, and their respective legal heirs, in the event of the demise of the original owners, as the subject properties continue to stand in their names.

e) Direct the Respondent Authorities to consider and decide the Petitioners’ representation dated 15.04.2026 in a time-bound manner, preferably within a period fixed by this Hon’ble Court, by passing a reasoned and speaking order.

f) Declare that the continued subsistence of acquisition proceedings in respect of the subject land, without taking physical possession and without utilization for the stated public purpose, is arbitrary, illegal and violative of Article 14 and Article 300A of the Constitution of India.

g) Direct the Respondent Authorities to refrain from interfering with



*the peaceful, settled and continuous possession of the Petitioners over the subject land except in accordance with due process of law.
h) Pass such other and further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case."*

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 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.

(Ref: ***Prestige Lights Ltd. v. SBI : (2007) 8 SCC 449***)



2026:DHC:8180



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.

16. Pending applications (if any) also stand disposed of.

AMIT MAHAJAN, J

SEPTEMBER 21, 2026

“SK”