



§~37

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

%

*Date of Decision : 06.03.2025*+ **W.P.(C) 1903/2020**

SH. GULAB SINGH AND ORS. ....Petitioners

Through: Mr B.D. Sharma, Advocate.

versus

D.M. /LAC SOUTH WEST DISTRICT KAPASHERA &amp; ORS

.....Respondents

Through: Mr. Siddharth Panda, Mr. Ritank &  
Mr. Anil Pandey, Advocates for R1.  
Ms. Rachita Garg & Ms. Preeti,  
Advocates for R2/State/GNCTD.  
Mr. Rajiv R. Mishra & Ms. Suruchi  
Yadav, Advocates for R5/Delhi Jal  
Board.**CORAM:****HON'BLE MR. JUSTICE VIBHU BAKHRU****HON'BLE MR. JUSTICE TEJAS KARIA****VIBHU BAKHRU, J. (ORAL)**

1. The petitioners have filed the present petition, *inter alia*, praying that the acquisition proceedings initiated in respect of the land measuring 02 Bighas 11 Biswas, comprising in Khasra No.282 Min (2-11) [**the subject land**] situated in the revenue estate of Village Bijwasan, New Delhi is illegal in view of the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 [**the Act**].

2. Additionally, the petitioners pray that directions be issued to the



respondents not to interfere with their peaceful possession of the subject land.

3. The petitioners claim that they are the recorded owners of the subject land. The preliminary notification being No.F.8/2/16/2015/L&B/LA/10641 in respect of the subject land was issued by the Land and Building Department, Government of NCT of Delhi under Section 11(1) of the Act on 28.08.2015. In terms of the said notification, it was notified that the subject land was likely to be acquired for the public purpose of construction of the Waste Water Treatment Plant (WWTP), which would treat the waste water generated from the inhabitants of the Bijwasan village and the adjoining areas. Thereafter, the declaration under Section 19 of the Act was published in Delhi Gazette on 27.07.2017.

4. Respondent nos. 1 & 2 have filed the counter affidavit, *inter alia*, stating that after the declaration under Section 19 of the Act was published, notice under Section 21 of the Act was issued to all interested persons and pursuant to the same, interested persons have filed their respective claims.

5. It is stated that the Land Acquisition Collector (LAC) had considered the claims as received and pronounced the award on 04.07.2019 [**the Award**]. The possession of the subject land was taken over on 18.12.2019.

6. The learned counsel appearing for the petitioners has confined his submissions to challenging the acquisition proceedings on two fronts. First, he submitted that the preliminary notification issued under Section 11(1) of the Act has lapsed by virtue of Section 19(7) of the Act, as the declaration under Section 19(1) of the Act was not made within a period of twelve



months from the date of preliminary notification issued under Section 11(1) of the Act. Second, he submits that, in terms of Section 25 of the Act, the acquisition proceedings had lapsed as the award was not made within a period of twelve months from the date of publication of the declaration under Section 19 of the Act.

7. The aforesaid contentions were countered by the learned counsel for the respondents.

8. Before proceeding further, it would be relevant to refer to Section 11(1); Section 19(1); Section 19(7); and Section 25 of the Act. The said statutory provisions are reproduced below: -

**“11. Publication of preliminary notification and power of officers thereupon.**— (1) Whenever, it appears to the appropriate Government that land in any area is required or likely to be required for any public purpose, a notification (hereinafter referred to as preliminary notification) to that effect along with details of the land to be acquired in rural and urban areas shall be published in the following manner, namely:—

(a) in the Official Gazette:

(b) in two daily newspapers circulating in the locality of such area of which one shall be in the regional language:

(c) in the local language in the Panchayat, Municipality or Municipal Corporation, as the case may be and in the offices of the District Collector, the Sub-divisional Magistrate and the Tehsil;

(d) uploaded on the website of the appropriate Government;



(e) in the affected areas, in such manner as may be prescribed.

\*\*\*

\*\*\*

\*\*\*

\*\*\*

**19. Publication of declaration and summary of Rehabilitation and Resettlement.**— (1) When the appropriate Government is satisfied, after considering the report, if any, made under sub-section (2) of section 15, that any particular land is needed for a public purpose, a declaration shall be made to that effect, along with a declaration of an area identified as the “resettlement area” for the purposes of rehabilitation and resettlement of the affected families, under the hand and seal of a Secretary to such Government or of any other officer duly authorised to certify its orders and different declarations may be made from time to time in respect of different parcels of any land covered by the same preliminary notification irrespective of whether one report or different reports has or have been made (wherever required).

\*\*\*

\*\*\*

\*\*\*

\*\*\*

(7) Where no declaration is made under sub-section (1) within twelve months from the date of preliminary notification, then such notification shall be deemed to have been rescinded:

Provided that in computing the period referred to in this sub-section, any period or periods during which the proceedings for the acquisition of the land were held up on account of any stay or injunction by the order of any Court shall be excluded:

Provided further that the appropriate Government shall have the power to extend the period of twelve months, if in its opinion circumstances exist justifying the same:



Provided also that any such decision to extend the period shall be recorded in writing and the same shall be notified and be uploaded on the website of the authority concerned.

\*\*\*

\*\*\*

\*\*\*

\*\*\*

**25. Period within which an award shall be made.**

– The Collector shall make an award within a period of twelve months from the date of publication of the declaration under section 19 and if no award is made within that period, the entire proceedings for the acquisition of the land shall lapse:

Provided that the appropriate Government shall have the power to extend the period of twelve months if in its opinion, circumstances exist justifying the same:

Provided further that any such decision to extend the period shall be recorded in writing and the same shall be notified and be uploaded on the website of the authority concerned.”

9. The first question to be examined is whether the preliminary notification issued under Section 11(1) of the Act is deemed to have been rescinded on account of the delay in issuance of the declaration under Section 19(1) of the Act. There is no dispute that the preliminary notification under Section 11(1) of the Act was issued on 28.08.2015, therefore, the declaration under Section 19(1) of the Act was required to be made within a period of twelve months from the said date, that is, on or before 27.08.2016. However, in terms of the second proviso to Section 19(7) of the Act, the appropriate government has the power to extend the period by twelve months, if there are circumstances justifying the same.



10. The learned counsel appearing for the respondents has handed over the notifications dated 22.08.2016 and 22.02.2017 successively extending the said period by six months. Thus, in total, the Government of NCT of Delhi had extended the period for making a declaration under Section 19(1) of the Act by the period of twelve months.

11. Admittedly, the declaration under Section 19(1) of the Act was published on 27.07.2017, which is within the period as extended by the Government of NCT of Delhi. Thus, the petitioners' contention that the declaration under Section 19(1) of the Act was not made within the specified period and the preliminary declaration under Section 11(1) of the Act is deemed to have been rescinded, is unmerited.

12. In view of the above, the contention that the acquisition proceedings relating to the subject land are required to be set aside, on account of delay in publishing the declaration under Section 19(1) of the Act, is unmerited and, accordingly, rejected.

13. In terms of the Section 25 of the Act, the award is required to be made within a period of twelve months from the date of publication of the declaration made under Section 19(1) of the Act. However, in terms of the proviso to Section 25 of the Act, the appropriate government has the power to extend the said period if, in its opinion, circumstances exist justifying such extension.

14. In the present case, the Government of NCT of Delhi issued the notification dated 25.07.2018 extending the time for making an award under Section 25 by a further period of one year. The same was considered



necessary in view of the request from the requisitioning department (Delhi Jal Board) for seeking further time to decide the allotment of rehabilitation and resettlement entitlements of the project affected families. Thus, in view of the said notification, the award was required to be made on or before 24.07.2019, that is, within the extended period of twelve months from 25.07.2018. Admittedly, the Award was made on 04.07.2019, which is within the said extended period.

15. The learned counsel appearing for the LAC has also handed over the copy of the counter affidavit indicating that six interested persons have already accepted the compensation after submitting the necessary documents.

16. In view of the above, the petitioners' contention that the acquisition has lapsed by virtue of Section 25 of the Act, is unmerited.

17. In view of the above, the petition is dismissed.

**VIBHU BAKHRU, J**

**TEJAS KARIA, J**

**MARCH 06, 2025**

*M*

*Click here to check corrigendum, if any*