

ITEM NO.2

COURT NO.7

SECTION XIV

## S U P R E M E C O U R T O F I N D I A

## RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).11722/2003

(From the judgement and order dated 10/02/1999 in CWP No. 2006/1986 of  
The HIGH COURT OF DELHI AT N. DELHI)

D.D.A.

Petitioner(s)

VERSUS

SAMEY SINGH (D) BY LRS. &amp; ORS.

Respondent(s)

(With appln(s) for c/delay in filing SLP and impleading party and with  
prayer for interim relief and office report) (For Final Disposal)

WITH

SLP(C) NO. 11725 of 2003 (With appln(s) for c/delay in filing SLP and  
impleading party and with prayer for interim relief)

(For Final Disposal)

Date: 16/11/2005 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE R.V. RAVEENDRAN

For Petitioner(s)

Mr. Saurabh Kirpal, Adv.  
Mr. Vishnu B Saharya, Adv.  
Mr. Viresh B Saharya, Adv.  
for M/s Saharya & Co.,Adv.

For Respondent(s)

Mr. Parag P Tripathi, Sr. Adv.  
Mr. Jayant Mehta, Adv.  
Ms. Taru Gupta, Adv.  
for Dr. Kailash Chand ,Adv.

Ms. Asha G Nair, Adv.  
Mrs Anil Katiyar,Adv.(NP)

UPON hearing counsel the Court made the following

O R D E R

Delay condoned.

We have heard counsel for the parties and we are

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satisfied that this is not an appropriate case for

interference by this Court under Article 136 of the

Constitution of India.

It is not disputed before us that the plot of land

belonging to the respondents was notified for acquisition

under Section 4 of the Land Acquisition Act, 1894 (for short

"the Act") by notification dated 14.9.1967. A declaration was made under Section 6 of the Act and the said declaration was published in the Official Gazette on 14.3.1968. It appears from the perusal of the declaration published in the Official Gazette that the plot of the respondents, namely, Khasra No. 381/200 (min) was not included in the aforesaid notified declaration. The submission urged on behalf of the petitioner-Delhi Development Authority is that the said plot had been left out in the declaration published in the Official Gazette by inadvertence. The High Court has taken the view, following its earlier Full Bench judgment, that if the land does not find mention in the notification notifying the declaration under Section 6 of the Act, there is in law no acquisition of such a plot of land and, therefore, an award in respect thereof cannot be made.

It was argued before us, relying upon decisions of this Court in S.H. Rangappa vs. State of Karnataka and

Another, (2002) 1 SCC 538 and Srinivas Ramnath Khatod vs.

State of Maharashtra and Others, (2002) 1 SCC 689 that the

issuance of a notification notifying the declaration under

Section 6(2) of the Act, is a mere ministerial act and does

not affect the acquisition which is completed by making of a

declaration under Section 6(1) of the Act, even without

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notifying the same under Section 6(2) of the Act.

We have perused the aforesaid judgments and we are

satisfied that the observations made in those judgments were

made in the context of the period of limitation prescribed

for making a declaration under Section 6(1) of the Act. The

question which arose in those cases was whether the

declaration was made within one year from the date of the

publication of the notification under Section 4 of the Act,

and in that context it was observed that the limitation

prescribed was for making a declaration under Section 6(1),

and not for notifying the declaration under Section 6(2) of

the Act. The above decisions are, therefore, clearly distinguishable. We are satisfied that if a declaration published in the Official Gazette under Section 6(2) of the Act does not include the land in question, it cannot be urged later that the said land was, in fact, acquired since the said plot of land was notified for acquisition in the notification published under Section 4, though not included in the declaration notified under Section 6(2) of the Act. The notification which has to be issued by the State under Section 6(2) incorporating the declaration made under Section 6(1), is for the purpose of notice to the public at large so that the persons concerned may exercise their rights under the Act, of claiming higher compensation and/or of seeking a reference to a Court in case they are not satisfied with the award declared by the Collector.

We, therefore, find no merit in these special leave petitions and the same are, accordingly, dismissed.

No orders on impleadment applications.

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(D.P. WALIA)

(VIJAY DHAWAN)

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