
(2000) 09 DEL CK 0041
In the Delhi High Court
Case No : CW. No. 6268/98

Ashok Nagar Welfare Association (R) APPELLANT
Vs
Union of India and Others RESPONDENT

Date of Decision : 13-09-2000

Acts Referred:

Citation : (2000) 7 AD 1082 : (1999) 81 DLT 82

Hon'ble Judges : Manmohan Sarin, J

Bench : Single Bench

Advocate : Mr. Y.K. Kapur, for the Appellant; Mr. S.K. Kaul Mr. Amitabh Marwaha, Mr. Subhash Kumar and Mr. Parvinder Chauhan, Proxy Advocate, for the Respondent

Judgement

Manmohan Sarin, J.—Rule.

As a short question is involved, with the consent of the parties, writ petition is taken up for hearing.

2. Petitioner has filed this writ petition seeking quashing of the award dtd 30.9.1982 on the ground that the respondents themselves had abandoned the award by initiating proceedings for regularisation of unauthorised colonies. Petitioner No.1 is the Ashok Nagar Welfare Association and petitioner No.2 is its President.

3. Learned counsel for the petitioner submitted before me that members of petitioner after having purchased the land had raised the construction more than two decades ago. No objection Certificate had also been granted for electrification. Structures were raised and members of petitioner have been residing there. Learned counsel for the petitioner does not fairly dispute that the petitioners had challenged the acquisition proceedings but the said challenge failed and as a result of this award was published. Learned counsel submits that the members of the petitioner association have not received compensation but cannot say if the compensation had been received by those, who were the

original owners.

4. Learned counsel for the respondent/DDA on the other hand submits that in this case possession had been duly taken and the land was handed over to the respondent/DDA as far back as on 1.10.1982. The land has also been notified on 14.10.1982 as Development Area u/s 22 of the Delhi Development Act.

5. Learned counsel for the petitioner urged that the respondents by their inaction have abandoned the acquisition proceedings and the petitioner's prayer for regularisation is under active consideration of the Government. I find that in this case the acquisition proceedings have been completed long ago and have attained a finality. It is not open to the petitioners to challenge the said acquisition on the ground that the petitioners have represented for regularization of that colony or for that matter that the Government is considering the request for regularisation. This matter is no longer rest integra and in fact is covered by the petitioner's own case, namely, CW. No.1158/96 titled Ashok Nagar Welfare Association Vs. Union of India reported at 1991 5 A.D. Del 84. The present writ petition is, therefore, not maintainable and is liable to be dismissed and is, accordingly , dismissed. This would, however, not debar the petitioner from pursuing its representation for regularisation of the colony before the appropriate executive authority.