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

+ W.P.(C) 7931/2011

V.K.CHATURVEDI Petitioner

Through: Petitioner in person.

versus

UNION OF INDIA

..... Respondent

Through: Mr.R.V.Sinha and Mr.R.N.Singh,
Advocates

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
11.11.2011

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1. A mandamus is sought to the respondents to pay compensation of Rs.50 lacs on account of the death of petitioner's son, aged about 11 years in the year 1983.

2. To explain the inordinate delay, petitioner relies upon a decision of the Division Bench of this court in W.P.(C) No. 4703/2010 rendered on 2.8.2011 whereby a equitable direction was issued to regularize with effect from 1.4.1999 petitioner's occupation in the flat licensed to him .

3. In the first round of litigation before the Consumer Disputes Redressal Forum, case of medical negligence was sought to be made out by the petitioner relating to death of his mother. In those proceedings, compensation was also claimed on account of untimely death of the son of the petitioner in the year 1983 who while playing near flat in question, he had gone towards the railway track where petitioner's son was run over

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by a shunting train. The said railway track was about 50 meters away from the official residential quarter allotted to the petitioner.

4. The claim for compensation was resisted by the respondents before the Consumer Disputes Redressal Forum by pointing out that a parda wall was there between the railway tracks and the railway colony in question where the petitioner's flat was situated. The letter of 11.5.2006 referred to, by the petitioner before this Court was also considered by the Consumer Disputes Redressal Forum and claim of the petitioner for compensation was declined.

5. Since letter of 11.5.2006 discloses that the parda wall was existing between the railway tracks and the railway colony in question in the year 1983, therefore in the considered opinion of this Court, this question of fact cannot be re-agitated now in these writ proceedings after having lost the claim for compensation before the Consumer Disputes Redressal Forum.

6. The unfortunate incident of death of petitioner's son is of the year 1983. When asked what the petitioner had been doing since the year 1983, till he had approached the Consumer Disputes Redressal Forum in the year 2005, petitioner could only say that during this long period, he had been sending notices to the authorities concerned.

7. Claim for compensation herein is essentially based on proof of facts, for which suit for compensation ought to have been filed. Petitioner has not even placed on record copies of the purported notices which he had been sending to the authorities for more than two decades i.e. from the year 1983 to 2005. Clearly there is not only inordinate delay but this petition also is barred by laches. It is too late in the day for the

petitioner to now dislodge the letter of 11.5.2006 which asserts the fact of there being a parda wall between the railway track and railway colony in question in the year 1983.

8. The State Commission, Delhi in its order of 17.8.2007 had noted as under:-

"However, so far as the death of the son of the appellant is concerned it was an independent action against the Railway Authorities."

9. Still, the petitioner took no steps. Needless to state that if you sleep over your rights, you lose them. Nothing more is required to be said. This petition is not only highly belated but is also barred by laches and is accordingly dismissed with no orders as to costs.

NOVEMBER 11, 2011

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SUNIL GAUR, J