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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 25th August, 2026.Uploaded on: 27th August, 2026.

CNR No. DLHC010399342026

+ W.P.(C) 12397/2026 & CM APPL. 57499/2026

MAHAVIR SINGH & ANR.

.....Petitioners

Through: Mr. Simarjeet Singh Satia, Mr. Aayush Bajpai, Mr. Ayush Shrivastava & Mr. Aman Mishra Advs.

versus

GOVERNMENT OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Sanjay Kumar Pathak, Standing Counsel with Mr. Sunil Kumar Jha, Mr. M. S. Akhtar, Mr. Kushagra Dixit Advs. for R-1 &2.
Ms. Arti Bansal, Ms. Shruti Goel, Advocates for DDA.**CORAM:****JUSTICE PRATHIBA M. SINGH****JUSTICE VIKAS MAHAJAN****Prathiba M. Singh, J. (ORAL)**

1. This hearing has been done through hybrid mode.

CM APPL. 57499/2026 (for exemption)

2. Allowed, subject to all just exceptions. Application is disposed of.

W.P.(C) 12397/20263. The present petition has been filed by the Petitioners under Article 226 of the Constitution of India, *inter alia*, seeking directions to the Respondent No.1 and No.2 to verify the claim of the Petitioners as the legal heirs of the late Sh. Sukhpal Singh and to disburse the compensation in respect of land



situated in Revenue Estate of Village Jasola, Delhi, comprising in *Khasra* Nos. 754/354, 409, 456/491/421, 374, 766/370, 767/370, 394, 550/333, 668/385, 769/384, 747/549/333, 348, 349, 461, 788/448, 798/448 and 790/449 (*hereinafter, 'the subject land'*).

4. The Petitioners' claim to be the legal heirs of one Mr. Sukhpal Singh, who was stated to be the recorded owner and *Bhumidar* of the subject land.

5. According to the Petitioners, the ownership of the subject land stood reflected in the revenue records maintained by the competent authorities.

6. The submission on behalf of the Petitioners is that the award bearing **Award No. 21/1992-93** was passed by the Land Acquisition Collector under Section 11 of the Land Acquisition Act, 1894 and the said award included the subject land of Mr. Sukhpal Singh. It is stated that *vide* the said award, the compensation in respect of the subject land stood determined.

7. However, it is stated that during the lifetime of Mr. Sukhpal Singh, he was not released any compensation in respect of the subject land, nor the legal heirs have received any compensation in respect of the said land.

8. Mr. Sukhpal Singh is stated to have passed away on 12th November, 2001, and according to the Petitioners, the acquisition of the subject land was completed only in 2007.

9. Further, the Petitioners are stated to have submitted representations dated 19th May, 2026 to the Land Acquisition Collector (*hereinafter, 'the LAC'*), seeking to disclose the status of compensation. However, the grievance of the Petitioners is that the representations have not been decided.

10. The Petitioners have now approached this Court, seeking release of the compensation, being the sons of Mr. Sukhpal Singh. According to the Id. Counsel for the Petitioners, there is no record to show that the compensation



was ever paid to their father, late Mr. Sukhpal Singh.

11. The prayer in this writ petition is as under:

“a. Issue an appropriate writ, order or direction in the nature of Mandamus, directing the Respondent No. 1 & 2 to forthwith verify the claim of the Petitioners as the legal heirs and successors of Late Sh. Sukhpal Singh and to release/disburse the compensation determined in respect of the land comprised in Khasra Nos. 754/354, 409, 456/491/421, 374, 766/370, 767/370, 394, 550/333, 668/385, 769/384, 747/549/333, 348, 349, 461, 788/448, 798/448 and 790/449, Village Jasola, Delhi, acquired pursuant to Award No. 21/1992-93, together with all consequential statutory benefits, interest and other monetary entitlements as may be found legally admissible as per the current statutory provisions applicable to the Petitioner;”

12. Issue notice. Mr. Jha, Id. Counsel accepts notice on behalf of the LAC.

13. The Court has considered the matter. The limited prayer in this case is for release of compensation for the subject land, which was acquired. There is no doubt that the same is considerably belated. However, as per the settled position in law, the compensation still has to be disbursed to the Petitioners.

14. In fact, the Supreme Court in a similar matter, where the Appellant had approached the Court belatedly seeking disbursement of compensation of acquired land, being ***Vidya Devi v. State of H.P., (2020) 2 SCC 569***, has observed as under:

“[...] 12.12. The contention advanced by the State of delay and laches of the appellant in moving the Court is also liable to be rejected. Delay and laches cannot be raised in a case of a continuing cause of action, or if the circumstances shock the judicial conscience of the Court. Condonation of delay is a matter of judicial discretion, which must be



exercised judiciously and reasonably in the facts and circumstances of a case. It will depend upon the breach of fundamental rights, and the remedy claimed, and when and how the delay arose. There is no period of limitation prescribed for the courts to exercise their constitutional jurisdiction to do substantial justice.

12.13. In a case where the demand for justice is so compelling, a constitutional court would exercise its jurisdiction with a view to promote justice, and not defeat it. [P.S. Sadasivaswamy v. State of T.N., (1975) 1 SCC 152 : 1975 SCC (L&S) 22]

12.14. In Tukaram Kana Joshi v. MIDC [Tukaram Kana Joshi v. MIDC, (2013) 1 SCC 353 : (2013) 1 SCC (Civ) 491], this Court while dealing with a similar fact situation, held as follows: (SCC p. 359, para 11)

“11. There are authorities which state that delay and laches extinguish the right to put forth a claim. Most of these authorities pertain to service jurisprudence, grant of compensation for a wrong done to them decades ago, recovery of statutory dues, claim for educational facilities and other categories of similar cases, etc. Though, it is true that there are a few authorities that lay down that delay and laches debar a citizen from seeking remedy, even if his fundamental right has been violated, under Article 32 or 226 of the Constitution, the case at hand deals with a different scenario altogether. The functionaries of the State took over possession of the land belonging to the appellants without any sanction of law. The appellants had asked repeatedly for grant of the benefit of compensation. The State must either comply with the procedure



laid down for acquisition, or requisition, or any other permissible statutory mode.”

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13. In the present case, the appellant being an illiterate person, who is a widow coming from a rural area has been deprived of her private property by the State without resorting to the procedure prescribed by law. The appellant has been divested of her right to property without being paid any compensation whatsoever for over half a century. The cause of action in the present case is a continuing one, since the appellant was compulsorily expropriated of her property in 1967 without legal sanction or following due process of law. The present case is one where the demand for justice is so compelling since the State has admitted that the land was taken over without initiating acquisition proceedings, or any procedure known to law. We exercise our extraordinary jurisdiction under Articles 136 and 142 of the Constitution, and direct the State to pay compensation to the appellant.

15. In view of the aforesaid facts and circumstances of the present case, the respondent State is directed to pay the compensation on the same terms as awarded by the Reference Court vide order dated 7-7-2015 in Anakh Singh case (i.e. Land Reference No. 1 of 2011 RBT No. 01/13) along with all statutory benefits including solatium, interest, etc. within a period of 8 weeks, treating it as a case of deemed acquisition. An affidavit of compliance is directed to be filed by the State before this Court within 10 weeks.”

15. In the above case, the acquisition of the land in question was of the year 1967 -1968, however, the claimants had approached for compensation only in 2010 i.e. 42 years later. The Supreme Court, however, directed for release of



compensation.

16. Accordingly, the LAC is directed to consider the representations of the Petitioners dated 19th May, 2026, and verify the claims and the documents.

17. Upon verification, the LAC shall process the application for release of compensation, if the compensation has not already been paid. The entire process shall be completed by the LAC, within a period of six months.

18. If there are any objections of the LAC, let the matter be referred to the concerned District Judge in accordance with law.

19. The petition is disposed of in the above terms. All pending applications, if any, are also disposed of.

PRATHIBA M. SINGH
JUDGE

VIKAS MAHAJAN
JUDGE

AUGUST 25, 2026/Rahul/sm