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

+ **CS(OS) 1308/2015 & IA No. 9861/2015**

TEK CHAND

..... Plaintiff

Through: Plaintiff in person.

versus

UNION OF INDIA & ORS

..... Defendants

Through: Mr. Vikram Pradeep, Proxy Adv.

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Date of Decision : 11th May, 2015

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

J U D G M E N T

MANMOHAN, J: (Oral)

1. Present suit has been filed seeking a declaration that the Award dated 31st March, 1972 by which plaintiff's agricultural land in the revenue estate of village Mahipalpur, New Delhi was acquired is illegal as the Award had been made after a lapse of four years and four months after Section 4 notification had been issued. In support of his submission, the plaintiff who appears in person relies upon a judgment of the Supreme Court in ***Ravi Khullar & Anr. Vs. Union of India & Ors., 139 (2007) DLT 506 SC.***

2. In the plaint it has been averred that as the compensation was enhanced in RFA 321/1978 on 17th July, 1991, the acquisition notification/declaration under Sections 4 and 6 stood quashed.

3. Plaintiff also submits that though his RFA, Special Leave Petition and Review Petition had been dismissed in 1996, yet the present suit is maintainable as he has now issued a notice under Section 80 CPC.
4. However, a perusal of the Supreme Court's judgment in ***Ravi Khullar & Anr.*** (supra) and Land Acquisition Act, 1894 reveals that there was an amendment in 1984 whereby Section 11A was inserted. The said Section provides that if an Award is not made within two years from the date of publication of declaration then the acquisition proceedings shall lapse.
5. In the opinion of this Court, Section 11A of the Land Acquisition Act cannot be given retrospective operation as is being sought by the plaintiff. Since in the present case the award had been passed on 31st March, 1972, the plaintiff cannot take benefit of Section 11A as well as judgment of the Supreme Court in ***Ravi Khullar & Anr.*** (supra).
6. This Court is also of the view that enhancement of compensation in RFA 321/1978 does not mean that the acquisition of land in the present case stood quashed.
7. This Court is further of the opinion that the present suit is barred by limitation as well as the principles of Order 2 Rule 2 CPC and the concept of relitigation inasmuch as the plaintiff's initial suit, RFA, SLP and Review Petition stand dismissed on the same cause of action. In fact, the Review Petition was dismissed by the Supreme Court on 11th January, 1996.
8. In ***N.D. Qureshi Vs. Union of India, 2008 (13) DRJ 547***, Division Bench of this Court of which the present Bench was a party has observed as under:-

“12. Moreover, from the above narrated facts, it would be apparent that the petitioner has been re-litigating for a

considerable number of years. In our view on the principle of res judicata and re-litigation the petitioner is even barred from raising new pleas for the same old relief. The Hon'ble Supreme Court in K.K.Modi Vs. K.N.Modi and others, reported in (1998) 3 SCC 573 has held that it is an abuse of the process of the court and contrary to justice and public policy for a party to re-litigate the same issue which has already been tried and decided earlier against him. This re-agitation may or may not be barred as res judicata. But if the same issue is sought to be re-agitated, it also amounts to an abuse of the process of the court. The Hon'ble Supreme Court has further held that if a spurious claim is made in a case, it may also amount to an abuse of process of the court. In our view, frivolous or vexatious proceedings amount to an abuse of the process of the court especially where the proceedings are absolutely groundless-like in the present case."

9. In view thereof, the present suit amounts to relitigation and is barred by Order 2 Rule 2 CPC as well as limitation. Accordingly, present suit and applications are dismissed.

MANMOHAN, J

MAY 11, 2015

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