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

+ W.P.(C) 5601/2016 & CM APPEL. 23278-79/16

JITENDER GEHLOT & ANR

..... Petitioners

Through : Mr.Brajesh K.Singh, Advocate with
Mr.Amit Pratap Singh, Advocate.

versus

UNION OF INDIA & ORS

..... Respondents

Through : Ms.Arati Bansal, Advocate with
Mr.Ashutosh Nandan Atrey, Advocate for UOI.
Mr.Yeeshu Jain, Standing Counsel with Ms.Jyoti Tyagi,
Advocate for L&B/LAC.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE S.P.GARG

ORDER

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25.07.2017

The petitioners seek a direction that the land acquired in the year 1911 under rule of Award No.30 in respect of the village Malcha, Delhi of one Laika (their ancestor) has lapsed by the operation of the Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Mr.Brajesh K.Singh, learned counsel for the petitioners emphasised that the material from the record clearly reveals that neither Laika nor anybody related to him in fact received the compensation nor were they ever tendered any amount. He places reliance upon the payment register – extract of which has been

produced along with the petition. He also places reliance upon the revenue records for 1911-1912.

The Govt. of NCT of Delhi opposes the petition by contending that it is a highly belated petition and also relies upon the decision in *Mahavir & Ors. Vs. Union of India & Ors.* – WP(C) No.129/2017 decided on 10.04.2017 by this Court wherein this Court had refused to grant the relief in respect of same claim regarding the payment of compensation of land acquired in Village Raisina in the year 1911-12.

Order in *Mahavir & Ors. case (supra)* was subsequently followed in other cases. In *Sajjan Singh & Ors. vs. Union of India & Ors.*, W.P. 9233/2014 it was decided on 02.05.2017, following *Mahavir & Ors. case (supra)* observed as follows :

“6. This Court is of the opinion that reasoning in Mahavir (supra) is squarely applicable in the circumstances of this case. The Court stated that the question was a unique one – i.e. the parties claimed to be aggrieved to approach this Court, waking up like Rip Van Winkle or what may be in Indian parlance called a ‘Kumbkarna’ lapse of time. In other words, is it open to the petitioner or a set of petitioners to resuscitate grievance several generations later to claim the protection of a later law? Such claims were never under contemplation when the acquisition was resorted to.

7. The petitioners in that case asked this Court to infer and conclude that in the absence of some indication from the records made available by them, that their ancestors did not ever receive any compensation. No contemporary record in the form of letters, protest by them or any other communication stating that compensation was not disbursed or reference to civil proceedings for release of the amounts or seeking

decree have been relied upon by the petitioners. The Court held that if the petitioners were to be allowed to raise such grievances the courts would be open to claims from each succeeding generation, which may say that the previous generation had not received their just dues. Such claims were held not to be adjudicated upon, as they are barred and the writ petition was dismissed.”

The same reasons would apply in the facts and circumstances of this case. Consequently, the writ petition is dismissed. Pending applications also stand disposed of.

S. RAVINDRA BHAT, J

S.P.GARG, J

JULY 25, 2017 / tr