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

% Judgement delivered on: 02nd May, 2017

+ **W.P.(C) 9233/2014 & CM Nos.20967/2014, 16028/2015**

SAJJAN SINGH & ORS

..... Petitioners

Through : Dr.Surat Singh and Ms.Manasi
Aggarwal, Advocates.

versus

UNION OF INDIA & ORS

..... Respondents

Through : Mr.Kirtiman Singh, CGSC with
Mr.Waize Ali Noor & Mr.Prateek
Dhanda, Advocates for UOI.

Mr.Sanjay Poddar, Sr Advocate with
Mr.Yeeshu Jain, Standing Counsel,
Ms.Jyoti Tyagi, Mr.Vikram, and
Mr.Govind Kumar, Advocates for
L&B/LAC.

Ms.Neha Rastogi & Mr.Animesh
Rastogi, Advocates for respondent
Nos.2 & 3.

Ms.Vidhi Gupta, Mr.Vishal Saxena
and Mr.Ravinder Malik, Advocates
for applicant/impleadors.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE YOGESH KHANNA

S.RAVINDRA BHAT, J. (Oral)

1. The petitioners claim for 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 Shadi (their ancestor) is 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.

2. Dr.Surat Singh, learned counsel for petitioners emphasised that the material from the record clearly reveals that neither Shadi nor anybody related to him infact 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 petitioner. He also places reliance upon the letter written by Shadi and some other members of his family as on 09.04.1912.

3. The Government 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.

4. At the heart of the controversy whether the petitioners are correct in agitating the claim over the lapse of almost 104 years between the claim and the acquisition (sometime in 1911) is at all material.

5. Dr.Surat Singh emphasis that philosophy of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 was that it was intended to be not merely prescribed to work backward, but to

operate in respect of the acquisition made at any point of time. He elaborated saying that as many as conditions i.e. the possession continued and that land owners or the compensations not having been tendered were proved, the declaration of lapsing had to be given regardless of the timeline.

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.

8. In view of above reasoning which applies to the facts of this case, the claim cannot be granted and therefore, the writ petition and pending miscellaneous applications are dismissed.

S. RAVINDRA BHAT, J

YOGESH KHANNA, J

MAY 02, 2017

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