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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7532/2015, C.M. APPL.14457/2015**
MUKESH & ORS Petitioners
Through : Sh. Rajneesh Roshan, Advocate.

versus

UNION OF INDIA & ORS Respondents
Through Yeeshu Jain, Standing Counsel with Ms.
Jyoti Tyagi and Sh. Vikram, Advocates, for
L&B/LAC.

CORAM:
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE YOGESH KHANNA

% **ORDER**
02.05.2017

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. Sh. Rajneesh Roshan, 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 – extracts of which have been

produced along with the petition. 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* [W.P.(C) 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. Sh. Rajneesh Roshan, learned counsel emphasises that the 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 since many conditions, i.e. that the possession continued or that 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 petitioners 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.

6. The petitioners in that case asked this Court to infer and conclude 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, protests 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.

7. 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/ajk