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

% *Date of Judgment: 24th October, 2017*

+ **W.P. (C.) No.11538/2015**

JEET SINGH & ORS

..... Petitioners

Through

None.

versus

UNION OF INDIA & ORS

..... Respondents

Through

Mr. Rajesh Kumar, Mr. Jitendra
Kumar Tripathi, Mr. Vipul
Agrawal, Mr. Anshuman
Nayak, Advs. for UOI.
Mr. Yeeshu Jain, Standing
Counsel with Ms. Jyoti Tyagi,
Adv. for LAC/L&B.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE V.KAMESWAR RAO

G.S.SISTANI, J. (ORAL)

1. None is present on behalf of the petitioners despite the matter being passed over once and called a second time.
2. Petitioners have filed the present writ petition under Article 226 of Constitution of India for issuing an appropriate writ, order or direction in the nature of certiorari, mandamus or any other direction to quash the impugned award No.30/1911-1912 of village Malcha, New Delhi and notification No.775 dated 21.12.1911 issued under Sections 6 and 7 of the Land Acquisition Act, 1894.

3. Counsel for respondent no.4/LAC submits that a reading of the present writ petition would show that the petitioners have sought a direction in respect of the land acquired in the year 1911 under Award No.30/1911-1912 of village Malcha, New Delhi, which has lapsed by the operation of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Learned counsel further submits that the present case is fully covered by the decisions rendered by the Coordinate Bench of this Court in the case of ***Mahavir and others Vs. Union of India***, W.P. (C) No.129 of 2017 dated 10.04.2017, ***Sajjan Singh and others Vs. Union of India***, W.P. (C) No.9233 of 2014 dated 02.05.2017 and ***Mukesh and others Vs. Union of India***, W.P. (C) No.7532 of 2015 dated 02.05.2017.
4. Learned counsel has placed reliance on paragraphs-4 and 5 in the case of ***Mahavir (supra)***. It reads as under :-
- “4. The question is perhaps a unique one – i.e. the parties claim to be aggrieved to approach this Court, waking up like Rip Van Winkle in Indian parlance or what may be called ‘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.*
- 5. It is not disputed that the lands over which the petitioner lays claim were a part of Raisina village which was acquired and on which much of lutyens Delhi has been build. In these circumstances as to whether indeed the petitioners’ ancestors were paid*

compensation or not can be made a subject of enquiry over 104 years later having regard to a later enactment and right which flow directly from it. In the opinion of the Court the award clearly has to be negative. The petitioners are asking 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. In these circumstances if the petitioners are 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 cannot be adjudicated, as they are barred.”

5. Since none is present to press this petition and in view of the fact that the same is covered by the decision rendered by the Coordinate Bench of this Court in **Mahavir (supra)**, the writ petition is dismissed.

G.S.SISTANI, J.

V.KAMESWAR RAO, J.

OCTOBER 24, 2017

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