

\$~27

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

+ **W.P.(C) 1380/2016**

BHULE RAM

..... Petitioner

Through Mr. Arun Kumar Kaushik, Advocate

versus

UNION OF INDIA & ORS

..... Respondents

Through Mr. Bhagwan Swaroop Shukla with
Mr. Shrawan Kumar, Advocates for
Respondent No.1/UOI
Mr. Mahesh Thakur, Advocate for
Respondent No.2/DDA
Mr. Rajnesh Sharma, Advocate for
Respondent/LAC/L & B

CORAM:

JUSTICE S. MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

17.12.2018

%

1. The Petitioner seeks a declaration that land acquisition proceedings in respect of land in Khasra Nos. 212(04-16), 219(04-16), 220/1(04-00), and 220/2(00-16) admeasuring 14 *bighas* 8 *biswas* situated in the revenue estate of Village Kotla Mahigram, Tehsil - Mehrauli, Delhi are deemed to have lapsed.

2. The admitted facts are that the notification under Section 4 of the Land Acquisition Act, 1894 (LAA) was issued on 6th April 1964; the declaration under Section 6 LAA was issued on 7th December 1966 followed by the

Award No. 205/1986-87. The possession of lands admeasuring 4 *bighas* 19 *biswas* in Khasra Nos.219/2 (01-07) and 220/2(00-16) and in Khasra Nos.219/1 (00-07) and 220/1/1(2-09) was taken on 17th July 1987 and 4th December 1987 respectively.

3. No attempt has been made to explain what the Petitioner was doing for the approximately 30 years from the date of the Award and the two dates on which possession of the land in question was taken over.

4. Learned counsel for the Petitioner states that a fresh cause of action has arisen as a result of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation, and Resettlement Act 2013.

5. This Court is unable to agree with the above submission. Since the Petitioner is seeking discretionary relief under Article 226 of the Constitution of India, the Petitioner owes this Court an explanation as to why he could not seek relief earlier.

6. In *Mahavir v. Union of India* (2018) 3 SCC 588, the Supreme Court held as under:

“23. In the instant case, the claim has been made not only belatedly, but neither the petitioners nor their previous three generations had ever approached any of the authorities in writing for claiming compensation. No representation had ever been filed with any authority, none has been annexed and there is no averment made in the petition that any such representation had ever been filed. The claim appears not only stale and dead but extremely clouded. This we are mentioning as additional reasons, as such claims not only suffer from delay and laches but courts are not supposed to entertain such claims. Besides

such claims become doubtful, cannot be received for consideration being barred due to delay and laches.

24. The High Court has rightly observed that such claims cannot be permitted to be raised in the court, and cannot be adjudicated as they are barred. The High Court has rightly observed that such claims cannot be a subject matter of inquiry after the lapse of a reasonable period of time and beneficial provisions of Section 24 of the 2013 Act are not available to such incumbents. In our opinion, Section 24 cannot revive those claims that are dead and stale.”

7. The Court is not satisfied that the inordinate delay in approaching the Court for relief has been adequately explained.

8. The petition is accordingly dismissed on the ground of laches.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

DECEMBER 17, 2018

mw