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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% *Date of Judgment: 7th August, 2018*

+ W.P.(C) 8264/2018 and CM No. 31658/2018 (stay)

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..... Petitioner

Through: Mr Sunil K. Goel, Adv

versus

GOVERNMENT OF NCT OF DELHI & ORS Respondents

Through: Mr Yeeshu Jain, SC with Ms Jyoti
Tyagi, Adv for LAC

Mr Sanjay Singh, Adv for DDA

Mr Vinod Diwakar, CGSC with
Mr Sanjay Pall, Adv for R-3&5

Mr Sunder Khatri, Adv for NDMC

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G.S.SISTANI, J. (ORAL)

Petitioner seeks a declaration that the acquisition proceedings pertaining to the land of the petitioner comprising of 9 bigha 2 biswas in khasra No. 14 situated in the revenue estate of Village Malcha known as Nathu ki Bagichi/garden, Panchquian Road, New Delhi are deemed to have lapsed as neither physical possession has been taken over nor compensation has been tendered.

2. Counsel for the respondents who enters appearance on an advance copy, submit that the notification in this case was issued on 21.12.1911. The present petition is opposed on the ground of delay and laches. Counsels further submit that no record is available for the said period and thus the present petition should not be entertained.
3. Mr Goel, learned counsel for the petitioner, submits that he has filed copies of certain record and documents to show his occupation.
4. In the case of **Mahavir & Ors vs Union of India & Anr. SLP (C) No. 026281/2017** decided on 08.09.2017, it was held as under:-

“21. 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.

22. 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.

23. The High Court has observed that Raisina is a part of the Lutyens zone of Delhi. It is prime of New Delhi and Government offices etc. are located. The petitioners asked the High Court to infer and conclude that in the absence of some indication of the record being made available by them that their ancestors have not ever received any compensation. How the petitioners came to know that their ancestors had not received compensation has not been disclosed in the petition. The High Court has rightly declined to entertain such claims. The protective umbrella of section 24 is not available to barred claims. If such claims are entertained under section 24, it would be very-very difficult to distinguish with the frivolous claim that may be made even after tampering the records etc. or due to non-availability of such record after so much lapse of time. Once right had been lost due to delay and laches or otherwise, it cannot be revived under provisions of section 24 of the Act of 2013. The intendment of Act 2013 is not to revive stale and dead claims and in the concluded case when rights have been finally lost. If there is delay and laches or claim is otherwise barred, it is not revived under section 24(2) of the 2013 Act. The provision does not operate to revive legally barred claims.

The provision of Section 24 does not invalidate courts judgments/orders in which right have been finally lost or due to inaction is barred. Law does not permit examination of barred or totally fraudulent claims. The provisions of the law cannot be permitted to be defrauded or misused. Section 24(2) of the 2013 Act cannot be invoked in such cases. The High Court has rightly declined to entertain the writ petitions filed by the petitioners. It is not conceivable how the petitioners could file such a petition in a laconic manner relating to the prime locality at New Delhi that too for hundreds of acres with the delay of more than 100 years.”

5. There is no explanation for the delay in filing this writ petition and even otherwise, it would be impossible for the respondents to verify the documents which are placed on record by the petitioner.

6. We find no merit in the petition. The same is accordingly dismissed.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

AUGUST 07, 2018
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