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

+ **W.P.(C) 6326/2019 & CM APPL. 26961/2019**

VIJAY SINGH & ORS. Petitioners

Through: Mr. B.O. Sharma, Advocate

versus

UNION OF INDIA & ORS. Respondents

Through: Mr. Virender Pratap Singh Charak & Ms.
Shubhra Parashar for UOI

Mr. Yeeshu Jain, Standing Counsel and
Ms. Jyoti Tyagi for L&B/LAC

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE ASHA MENON

ORDER
29.05.2019

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1. The prayers in the petition read as under:

“(a) pass a writ, order or direction in the nature of writ of declaration, declaring the acquisition proceedings initiated in respect of the land of the petitioner, admeasuring area measuring 03 Biswas, out of Khasra Nos11/22/3 Min, situated in Village 85 Post Office Pochanpur, New Delhi as deemed to have lapsed in view of the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

(b) Further pass a writ, order of direction in the 'nature of a writ of mandamus thereby directing the respondents not to interfere with the peaceful possession and enjoyment of the land 03 Biswas bearing

Khasra No. 11/22/3 Min, situated in Village 85 Post Office Pochanpur, New Delhi.”

2. The narration in the petition reveals that notification under Section 4 of the Land Acquisition Act, 1894 (‘LAA’) was issued on 13th December 2000, followed by declaration under Section 6 of the LAA on 7th December 2001. The impugned Award No. 30/2002-03 was passed on 24th October 2002. There is no explanation in the petition for the inordinate delay in approaching the Court for relief.

3. It is stated in the petition that “the petitioners are the recorded co-owners of land measuring 03 biswas bearing khasra no. 11/22/3 min, situated in village & post office Pochanpur, New Delhi”. It is the case of the Petitioners that neither has the possession been taken nor has the compensation been paid. The Petitioners state, since neither has the possession been taken nor has the compensation been paid, the acquisition proceedings have deemed to have lapsed in terms of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (‘the 2013 Act’).

4. The Petitioners have relied on *Pune Municipal Corporation v. Harakchand Misirimal Solanki (2014) 3 SCC 183* and other similar judgments stating that acquisition proceedings in respect of which more than 5 years have lapsed since the Award has been passed, and the two conditions as stated in Section 24(2) of the 2013 Act have been fulfilled, the proceedings would deemed to have lapsed.

5. There is no document enclosed with the petition to substantiate the plea of the Petitioners that they are the recorded owners of the land in question. The statement under Section 19 of the LAA can hardly be said to satisfy this requirement. In any event, the Petitioners have no explanation to offer for the inordinate delay in approaching the Court for the relief.

6. On the aspect of laches, in *Mahavir v. Union of India (2018) 3 SCC 588* the Supreme Court observed 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 above decision was reaffirmed by the judgment of the three Judge Bench of the Supreme Court in *Indore Development Authority v. Shailendra (2018) 3*

SCC 412 where it was observed as under:

“130. We are of the view that stale or dead claims cannot be the subject-matter of judicial probing under section 24 of the Act of 2013. The provisions of section 24 do not invalidate those judgment/orders of the courts where under rights/claims have been lost/negated, neither do they revive those rights which have become barred, either due to inaction or otherwise by operation of law. Fraudulent and stale claims are not at all to be raised under the guise of section 24. Misuse of provisions of section 24(2) cannot be permitted. Protection by the courts in cases of such blatant misuse of the provisions of law could never have been the intention behind enacting the provisions of section 24 (2) of the 2013 Act; and, by the decision laid down in *Pune Municipal Corporation (supra)*, and this Court never, even for a moment, intended that such cases would be received or entertained by the courts.”

8. It may be noted here that the reference made by a Constitution Bench in *Indore Development Authority v. Shyam Verma (2018) 4 SCC 405* regarding the correctness of the aforesaid decision in *Indore Development Authority v. Shailendra (supra)* is only as regards the extent to which it differs from the earlier view of the Supreme Court in *Pune Municipal Corporation v. Harakchand Misrimal Solanki (supra)* regarding the tendering of compensation, and on certain other issues but not on the question of petitions seeking declaration under Section 24 (2) of the 2013 Act being barred by laches. This legal position was explained by this Court recently in *Mool Chand v. Union of India 2019 (173) DRJ 595 DB*.

9. For the aforementioned reasons, the writ petition is dismissed both on the ground of laches as well as on merits, but in the circumstances, with no orders as

to costs. The pending application is disposed of.

S. MURALIDHAR, J.

ASHA MENON, J.

MAY 29 2019