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

+ **W.P.(C) 10549/2019**

DHARMPAL SINGLA & ANR.

..... Petitioners

Through: Mr. P.N. Puri, Mr. S.N. Chopra and
Ms. Reeta Puri, Advocates.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Ashish Uppal, Advocate for
respondent No. 2.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

27.09.2019

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C.M. No. 43672/2019

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 10549/2019 and C.M. No. 43671/2019

The petitioners have preferred the present writ petition to seek the following reliefs:

“a. issue a writ of certioraris to call for records of issuance of notification No. F:9(1)/89-1 & b/18577 dated 23rd June 1989 U/s 4 of the Land Acquisition Act, 1894 and declaration no. f.9.(I)/89-1&b/2 dated 22.6.1990 under section 6 of the Land Acquisition Act 1894, and award No 15/92-93 dated 19.06.1992 after examining quash/set aside the same, in respect of the land and of the petitioner comprising In Khasra No 85 situated in

the revenue estate of village Behlolpur, Khadar, Tehsil Mehrauli, New Delhi, belonging to the petitioner herein, being arbitrary, discriminatory, illegal, malafide and unconstitutional;

b. issue a writ thereby, declare the impugned notifications having lapsed by virtue of provisions of sections 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013; and

c. Mandamus directing the Respondents not to in any manner whatsoever interfere with the peaceful enjoyment and possession of the said lands and structures standing thereon presently in possession and occupation of the petitioner; and

d. pass any other and further order(s) which this Hon'ble Court may deem fit and proper before the circumstance of the case. ”

This is the second round of litigation initiated by the petitioners. The petitioners had earlier preferred W.P. (C.) No. 1065/2016 claiming the same reliefs. The reliefs sought in the said writ petition were as follows:

“a. issue a writ of certioraris to call for records of issuance of notification No.F: 9(l)/89-l & b/18577 dated 23rd June 1989 U/s 4 of the Land Acquisition Act, 1894 and declaration no. f.9(l)/89-l&b/2 dated 22.6.1990 under section 6 of the Land Acquisition Act 1894, and award No 15/92-93 dated 19.06.1992 after examining quash/set aside the same, in respect of the land and of the petitioner comprising in Khasra No 85 situated in the revenue estate of village Behlolpur, Khadar, Tehsil Mehrauli, New Delhi, belonging to the petitioner herein, being arbitrary, discriminatory, illegal, malafide and unconstitutional;

b. issue a writ thereby declare the impugned notifications having lapsed by virtue of provisions of sections 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013; and

c. Mandamus directing the Respondents not to in any manner

whatsoever interfere with the peaceful enjoyment and possession of the said lands and structures standing thereon presently in possession and occupation of the petitioner.”

That writ petition was found by this Court to be barred by inordinate delay and laches considering the fact that the notification under Section 4 of the Land Acquisition Act was issued on 23.06.1989; the declaration under Section 6 of the said Act was published on 22.06.1990; the award No. 15/92-93 was passed on 19.06.1992, whereas the writ petition had been preferred only in the year 2016, i.e. after the enactment of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, to claim benefit under Section 24(2) of the said Act. This Court while referring to the earlier Judgment in ***Mool Chand Vs. Union of India***, 2019 (173) DRJ 595 (DB), which followed the Supreme Court decision in ***Mahavir Vs. UOI***, (2018) 3 SCC 588, observed that the Court had dismissed similar petitions on ground of laches. At that stage, the petitioner sought leave to withdraw the writ petition with liberty to file a fresh petition explaining the inordinate delay in filing the writ petition. To claim the reliefs sought in that writ petition and in consequence thereof, the present petition has been preferred.

We find that there is absolutely no explanation put forth to explain the immense delay and laches in filing the writ petition. Learned counsel for the petitioners submits that compensation under the award has not been paid till date. That does not explain the delay and laches in filing the writ petition. If anything, the non-payment of compensation gave a cause of action to the petitioners to agitate about the same within a reasonable period. Moreover, such an averment, which is made after decades of the making of

the award itself, is unverifiable and it would not even be fair to the respondents, to expect them to meet any such averment after expiry of such length of time, as the records may not even be available after such length of time.

We, therefore, do not find any merit in this petition and dismiss the same, inter alia, on grounds of delay and laches.

VIPIN SANGHI, J

SANJEEV NARULA, J

SEPTEMBER 27, 2019

B.S.Rohella