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

+ **W.P.(C) 1000/2018**

NARENDER SINGH

..... Petitioner

Through: Mr.Sunil Chauhan with Mr.Nitin
Kumar, Advocates.

versus

GOVERNMENT OF NCT OF DELHI & ORS

..... Respondents

Through: Mr.Yeeshu Jain, Standing Counsel
with Ms.Jyoti Tyagi, Advocate for
L&B/LAC.
Mr.Arjun Pant, Advocate for DDA.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE I.S.MEHTA

ORDER

22.04.2019

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1. The prayer in the petition reads as under:

“It is therefore most respectfully prayed that a Writ/order/direction in the nature of MANDAMUS or any other appropriate Writ may please be passed thereby declaring the acquisition proceedings in respect of the plots of the petitioner as described in para no.4 comprised in khasra no.83/20 situated within the revenue estate of Village Karala, Delhi as having been lapsed and the same may be declared as free from acquisition.”

2. In the petition it is stated that the land is acquired for the Rohini Residential Scheme vide notification under Section 4 of the Land Acquisition Act, 1894 (‘LAA’) issued on 21st March 2003. This is followed

by declaration under Section 6 of the LAA on 19th March 2004. The impugned award was passed on 2nd January 2006.

3. In the petition itself it is stated that the Petitioner purchased the land in question through conveyance documents such as General Power of Attorney, Agreement to Sell, Receipt etc. None of these documents can confer any legal or valid title on the land in question. A close reading of the Annexure 'P2' of the petition which contains the copies of the said documents reveals that they were executed on 21st July 1999.

4. As far as the question of possession is concerned after the orders passed by the Supreme Court in the order dated 18th October 2016 in SLP Nos. 16385-88/2012 titled ***Rahul Gupta v. DDA***, if possession of the land has already not been surrendered to the DDA within 10 days thereafter the possession is deemed to be with the DDA.

5. As regards the question of compensation, the counter-affidavit of the DDA which has been contradicted by the Petitioner points out that there has never been an earlier challenge to the award in terms of which the land in question has vested in the Government. The very *locus standi* of the Petitioner who purchased the land through GPA dated 2nd August 2006, after the issuance of the Sections 4 and 6 of the LAA is questioned. It is pointed out that these transfers are in the teeth of the Delhi Lands (Restrictions on Transfer) Act, 1972.

6. Physical possession is stated by the DDA to have been taken over on 21st

February 2007 and transferred to the Rohini Residential Scheme. Compensation amount of Rs.104.06 crores was sent to the Department of GNCTD.

7. The Court finds no valid explanation whatsoever for the inordinate delay in the Petitioner seeking relief under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 ('2013 Act') in respect of an award that was passed way back on 2nd January 2006. On the aspect of delay and laches the Supreme Court in *Indore Development Authority v. Shailendra* (2018) 3 SCC 412 where it was observed as under:

“129. Section 24 is not intended to come to the aid of those who first deliberately refuse to accept the compensation, and then indulge in ill-advised litigation, and often ill-motivated dilatory tactics, for decades together. On the contrary, the section is intended to help those who have not been offered or paid the compensation despite it being the legal obligation of the acquiring body so to do, and/or who have been illegally deprived of their possession for five years or more; in both the scenarios, fault/cause not being attributable to the landowners/claimants.

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. The above observations have been followed by this Court in several orders including *Mool Chand v. Union of India 2019 (173) DRJ 595[DB]* and similar petitions have been dismissed on the ground of laches.

9. Consequently, the Court is not satisfied that the Petitioner made out any case for the grant of relief as prayed for whether on facts or on law. The petition is also barred by laches. For all of the aforementioned reasons, the writ petition is dismissed.

S. MURALIDHAR, J.

I.S. MEHTA, J.

APRIL 22, 2019

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