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

+ **W.P.(C) 301/2016**

AMIT BIDHURI & ANR.

..... Petitioners

Through: Mr. M.P. Bhargava, Advocate for
applicant.

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr. Siddharth Panda, Advocate for
respondent No. 1
Mr. Arun Birbal and Mr. Sanjay
Singh, Advocates for DDA.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

10.01.2020

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C.M. No. 817/2020 and C.M. No. 818/2020

The petitioner seeks restoration of the writ petition which was dismissed for non-prosecution on 02.08.2019. The petitioner also seeks condonation of 157 days delay in moving the application for restoration.

Issue notice. Learned counsels for the respondents accept notice.

For the reasons stated in the applications, the same are allowed. The delay in filing the restoration application is condoned and the petition is restored to its original number.

W.P.(C) 301/2016

With the consent of the parties, we have proceeded to hear the submissions on the merit of the petitioner's claim.

The petitioner has preferred the present writ petition to seek the following reliefs:

“It is, therefore, respectfully prayed that this Hon Court may be pleased to issue a writ / order / direction in the nature of certiorari calling for the records of the acquisition proceedings with respect to the lands comprised in Khasra Number. 71/4 (0-7), 142 (1-17), 42 (3-14), 43 (4-16), 56 (4-14), 57 (0-02), 65 (4-13), 66 (0-05), 67 (4-14), 25/1 (1-9)(full share), and Khasra No. 26 (3-18), 27 (5-00) (1/6 share), situated in the revenue estate of village Kotla Mahigiran, New Delhi acquired vide Award No. 1374 pronounced on 8.8.1962 and further to pass appropriate writ, order or directions declaring the acquisition proceedings to have lapsed and have become inoperative under sec.24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act of 2013 as despite award, neither possession of the lands of the petitioners was taken nor any compensation with respect to lands have been paid to the petitioners or their predecessor-in-interest, till date. Award cost of proceedings to the humble petitioner.”

In the present case, the notification under Section 4 of the Land Acquisition Act was issued as early as on 13.11.1959 followed by the declaration under Section 6 of the Land Acquisition Act on 28.12.1961. The Award No. 1374 was passed by the Land Acquisition Collector on 08.08.1962. The petitioner claims that the possession was not taken over till the enactment of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. This position is disputed by the respondents, who claim that the possession was taken on

29.08.1962. The possession was also handed over to the beneficiary department.

The respondents have also disclosed that part-payment of compensation was made to the recorded owner, namely, Mr. Ved Pal S/o Ami Chand vide Cheque No. 151541 for Rs. 29,509/- on 26.11.1962 and the remaining amount was disputed and entry in the payment file found vide cheque no. 991308 for Rs. 8895/- dated 30.03.1963.

The present petition has been filed only in the year 2016 staking the claim by virtue of Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2014. Clearly, the present petition is barred by excessive delay and laches. The present petition is, therefore, liable to be dismissed on that short ground.

Dismissed.

VIPIN SANGHI, J

SANJEEV NARULA, J

JANUARY 10, 2020

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