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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 589/2018 and CM APPL. 2569/2018 (stay)**
MRS. VERINDER KAUR Petitioner
Through: Mr.Vishal Maan with Mr.Shitiz
Agnihotri, Advocates.

versus

GOVT. OF NCT OF DELHI AND ORS. Respondents
Through: Mr.Siddharth Panda, Advocate for R1
and R2.
Ms.Aakanksha Kaur with Mr.Prabudh
Singh and Mr.Manek Singh,
Advocates for DDA.

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE TALWANT SINGH

ORDER
% **13.08.2019**

1. The prayer in the present petition reads as under:

“i. Issue an appropriate writ, order or directions declaring the entire acquisition proceedings in respect of the agricultural land ad-measuring 9 bighas and 14 biswas comprised in khasra nos. 1854/2/2(0-10), 1855/2 (3-16), 1862/2 (0-10), 1864/3 (0-1), 1862/1 (4-06) and 1864/2 (0-11) i.e. Farm No. 8 at South Drive, DLF Chhatarpur Farm, New Delhi situated in revenue estate of village Chhatarpur, New Delhi to have lapsed in view of Section 24 (2) of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.”

2. It is stated in the petition that the Petitioner is a recorded owner of the subject land situated in the revenue estate of village Chhattarpur. It is stated

that the Petitioner's husband was the recorded owner thereof and that he expired on 13th December, 2017, leaving behind a registered Will dated 16th September, 2017 in favour of the Petitioner.

3. It is stated that for the acquisition of the land in question, a notification under Section 4 of the Land Acquisition Act, 1894 ('LAA') was issued on 25th November, 1980. This was followed by a declaration under Section 6 LAA dated 7th June, 1985. The Land Acquisition Collector ('LAC') passed an award being Award No.15/1987-88 on 5th June, 1987.

4. Although the Petitioner herself did not challenge the land acquisition proceedings, it appears that several other interested persons, whose lands were covered by the aforementioned notifications, filed writ petitions in this Court in which interim orders were passed till the disposal of such petitions on 25th November, 2004. However, in one set of petitions there was a difference of opinion which resulted in a decision in favour of the land owner. Both sets of appeals, one by the land owners [*Om Prakash v. Union of India (2010) 4 SCC 17*] and the other by the Government. [*Union of India v. Shiv Raj (2014) 6 SCC 564*] were dismissed.

5. The counter-affidavit of the LAC in the present matter indicates that possession of Khasra Nos.1854 (4-16) and 1864 (4-16) was taken over and handed over to the beneficiary department on 31st December, 2013. The compensation payable to the Petitioner was sent to the revenue deposit on 29th March, 1988. Later it was withdrawn by an order dated 7th May 1993.

6. The Petitioner states that the aforesaid facts coupled with the fact that possession of the subject land continues to remain with her, entitled her to a declaration under Section 24(2) of 2013 Act.

7. The fact of the matter is that as far as the Petitioner is concerned she never came forward to challenge the land acquisition proceedings at any stage. While certain others came to the Court and got interim orders in their favour, the Petitioner did not challenge the proceedings at any stage. The inability of the Respondents to take possession is explained by the fact that an interim order was passed in one set of petitions which continued for a long time. Interfering with the land acquisition proceedings at this stage when the Petitioner has not shown any interest in challenging them for more than three decades would encourage an abuse of the process of law. Entertaining the petition would be contrary to the decision by a three Judge bench of the Supreme Court in *Indore Development Authority v. Shailendra* (2018) 3 SCC 412.

8. For the aforementioned reasons, the writ petition is dismissed on the ground of laches. The interim order passed by this Court on 22nd January, 2018 is hereby vacated. The application is also disposed of.

S. MURALIDHAR, J

TALWANT SINGH, J

AUGUST 13, 2019

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