

\$~22

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

+ **W.P.(C) 483/2016**

RAM SINGH

..... Petitioner

Through: Mr. P.S. Bindra and Ms. Rishika
Arora, Advocates.

versus

GOVT. OF NCT OF DELHI AND ORS

..... Respondents

Through: Mr. Yeeshu Jain and Ms. Jyoti Tyagi,
Advocates for LAC/L&B.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

%

09.01.2019

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

“(i) CERTIORARI for quashing the Award No. 14/92-93 passed by Respondent No. 2 with respect to land admeasuring 11 Bighas and 4 Biswas comprised in Khasra No.610, situated in the Revenue Estate of Village Kilokari, New Delhi.

(ii) PROHIBITION restraining the Respondents from interfering in the peaceful possession and enjoyment of the Petitioner on land admeasuring 11 Bighas and 4 Biswas comprised in Khasra No.610, situated in the Revenue Estate of Village Kilokari, New Delhi.

(iii) Pass such other, further orders in the facts and circumstances of the case as this Hon'ble Court may deem just and necessary in favour of the Petitioner.”

2. According to the narration in the petition, notwithstanding the passing of the above Award on 22nd June 1992, the Petitioner continues to remain in physical possession of the land in question. He also asserts that no compensation has been paid.

3. In response to the notice issued in the petition, counter affidavit has been filed by the LAC in which it is stated that the actual vacant physical possession of the subject land was taken on 27th December 1990 by preparing possession proceedings on the spot and that possession was handed over to the DDA on that day itself. It may be noted here that a separate counter affidavit has been filed by the DDA confirming the above fact. The assertion to the contrary by the Petitioner gives rise to a disputed question of fact as far as physical possession of the land is concerned. It cannot be examined in a petition under Article 226 of the Constitution of India.

4. As regards compensation, according to the LAC since there was a dispute over its disbursement, a reference was made to the Court of the learned ADJ under Section 30-31 of the Land Acquisition Act, 1894 (LAA). Despite the counter affidavit of the LAC being filed way back on 31st January 2018 and of the DDA on 21st January 2018, till date no rejoinder affidavit has been filed by the Petitioner to contradict the above assertions.

5. Turning to the aspect of laches, the fact remains that there is no explanation whatsoever offered in the petition for the inordinate delay in coming forward before the Court to seek relief under Section 24 (2) of the

Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The notification under Section 4 LAA was issued on 23rd June 1989 and the Section 6 LAA declaration on 22nd June 1990. The Award was passed on 19th June 1992. As already noted, physical possession is claimed to have been taken on 27th December 1990.

6. In ***Mahavir v. Union of India (2018) 3 SCC 588***, the Supreme Court observed in paras 23 and 24 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 observations have been followed by this Court in several orders including the order dated 10th December, 2018 in WP (C) No. 2734/2015 (***Devender Singh v. The Hon’ble Lt. Governor***) and similar

petitions have been dismissed on the ground of laches.

8. For the aforementioned reasons, the writ petition is dismissed both on the ground of laches as well as on merits.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 09, 2019

nk