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

+ **W.P.(C) 1475/2015**

SHARMA AND COMPANY Petitioner
Through Mr. Anuroop P.S., Advocate

versus

LAND ACQUISITION COLLECTOR (SOUTH-EAST) AND ORS
..... Respondents

Through Mr. Yeeshu Jain, Standing counsel
with Ms. Jyoti Tyagi, Advocates for Respondent/L
& B/LAC

Mr. G.D. Mishra, Standing counsel for Respondent
No.2/SDMC

Mr. Rajesh Kumar, Advocate for Respondent/UOI
Mr. Pawan Mathur with Mr. Om Pal Kanungo,
Advocates for Respondent/DDA

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

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07.01.2019

1. The Petitioner has approached this Court seeking reliefs as under:-

“Pass a writ, order or direction in the nature of mandamus directing the respondents to notify the land afresh and acquire the land comprised in khasra No. 63/1 (0-8), 437/1(0-9), 450/2 (1-02), 456/1(5-17), 456/2/2 (1-01), 523/2 (0-15), 631/2 (13-19), 632/1, 2(7-09) in all measuring 31 Bighas situated in the revenue estate of village Bahapur, New Delhi and in case the authorities do not acquire the land assess and pay the compensation amount, in that eventuality a writ, order or direction in the nature of mandamus directing the authorities to restore possession of 31 Bighas land which is in their illegal and unlawful possession.

ii. Pass such other and further order/directions as deemed fit and proper under the facts and circumstances of the case.

iii. Cost of the proceedings be also awarded to the humble petitioner.”

2. The list of dates notes that the earliest of the Awards was passed on 13th March, 1962. Even according to the Petitioner, the acquiring agency took actual physical possession of the entire land of 21 bighas and 6 biswas comprising Khasra No. 631/1 and 1-09 of Khasra No. 523/1 on 10th August, 1962. Another Award was passed on 23rd July, 1962 in respect of Khasra No.450/2 (4-12) and Khasra No.437/1/1 (15 *biswas*). A third award was passed on 24th January, 1968 in respect of Khasra No.456 (62-08) where possession of the entire land was taken on 28th March, 1968. The fourth award was passed on 19th September, 1986 in respect of Khasra No.632 where possession of the entire land was taken on 22nd September, 1986.

3. There was no indication by the Petitioner in the petition as to what either the Petitioner or the predecessors-in-interest of the Petitioner were doing since the abovementioned dates. According to counsel for the Petitioner, on 4th May, 1988 the Petitioner applied for demarcation of the holdings of the Petitioner with respect to the land in question and in the same year he also filed a suit for declaration and permanent injunction. That suit was dismissed in default on 3rd March, 2009. Effectively therefore, between the last of the awards in 1986 and 3rd March, 2009, except filing of the suit which was dismissed in default, no steps appear to have been taken in with respect to the land acquisition proceedings by the Petitioner.

4. It is then stated that the Petitioner was seeking information under the RTI Act from 2012 onwards till 2013 Act came to be passed.

5. When faced with the prospect of the petition being dismissed on account of laches, learned counsel for the Petitioner sought leave to withdraw the petition with liberty to file a fresh petition offering a better explanation. While in many other cases the Court has granted that indulgence, in this case, the Court finds that the Petitioner already took a shot by filing a civil suit in 1989 which he abandoned 21 years later by allowing it to get dismissed for default.

6. In such circumstances, the Court is not inclined to grant any further indulgence to the Petitioner.

7. The petition is dismissed on the ground of laches.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 07, 2019

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