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

+ **W.P.(C) 5321/2019**

BALBIR SINGH

..... Petitioner

Through

Mr. Om Dutt Sharma, Ms. Meena
Kohli & Mr. Jagdish Janak,
Advocates

versus

UNION OF INDIA & ORS.

..... Respondents

Through

Mr. Rajesh Kumar, Advocate for
Respondent/UOI
Mr. Yeeshu Jain & Ms. Jyoti Tyagi,
Advocates for Respondent/LAC/
L & B
Mr. Sanjay Singh, Advocate for
Respondent/DDA

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE I.S.MEHTA

ORDER

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15.05.2019

CM Appl.No. 23484/2019 (Exemption)

1. Exemption allowed, subject to all just exceptions.

W.P(C) No. 5321/2019 & CM Appl.No. 23485/2019 (stay)

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

(i) issue a Writ of Mandamus or any other Writ or order or direction declaring the entire acquisition proceedings vide Award No.6/2005-2006 dt. 8.9.2005, passed by respondent no.3(L.A.C.) in respect of the land of Petitioner falling in khasra no. 8/23/2, plot measuring, 1 Bigha and 2 Biswas i.e. 1100 sq. yards situated in village Mubarakpur Dabas, New Delhi-110081, and releasing/dacquiring from the acquisition from above said award under the land

acquisition act, 1894 to have lapsed in view of the section 24(2) of the right to fair compensation and transparency in land acquisition, rehabilitation and re-settlement act, 2013, in the interest of justice and equity.”

3. The narration of the petition reveals that the notification under Section 4 of the Land Acquisition Act, 1894 (LAA) for the public purpose of the Rohini Residential Scheme was issued on 21st March, 2003. This was followed by a declaration under Section 6 LAA dated 19th March, 2004. Thereafter, the Award No. 6/2005-06 DC (NW) was passed by the Land Acquisition Collector (LAC) on 8th September, 2005.

4. According to the Petitioner he is the owner of the aforementioned land since 27th July, 1999 when he purportedly purchased it from Shri Ramey, Shri Suraj Bhan and Shri Goverdhan under a General Power of Attorney (GPA), duly notarised Agreement to Sell, Affidavit, Will etc. No explanation is given for not approaching the Court in time except stating that the physical possession of the subject land remains with the Petitioner. On this basis, the Petitioner seeks to invoke Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 to seek the above relief.

5. The public purpose for the acquisition being the Rohini Residential Scheme, the orders passed by the Supreme Court in SLP (C) 16385-88/2012 (*Rahul Gupta v. DDA*) would be applicable. In terms of the order dated 18th October, 2016 passed in the said case, even if on the date of the said order of the Supreme Court, actual physical possession was not with the DDA, it

would be deemed to be in possession if such physical possession was not handed over to it DDA within ten days thereafter. Therefore even on the Petitioner's own showing, the possession is no longer with him. In the circumstances, it is not possible to grant the Petitioner relief under Section 24 (2) of the 2013 Act.

6. The documents produced by the Petitioner as Annexures to the present petition do not confer any valid, right title or interest on the Petitioner. In any event, the Petitioner has not been able to convincingly show his entitlement to compensation. Further, he has not explained the delay in approaching the Court for relief.

7. In *Indore Development Authority v. Shailendra* (2018) 3 SCC 412 the Supreme Court observed as under:

“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 moment, intended that such cases would be received or entertained by the courts.”

8. Consequently, the petition is dismissed both on the ground of delay as well as on merits. The application is also dismissed.

S. MURALIDHAR, J.

I.S. MEHTA, J.

MAY 15, 2019

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