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

+ **W.P.(C) 1243/2017**

**DHARAM PAL**

..... Petitioner

Through Mr. Anuroop P.S. Advocate

versus

**UNION OF INDIA AND ANR**

..... Respondents

Through Mr. Arun Birbal & Mr. Ajay Birbal,  
Advocates for Respondent/DDA

Mr.Siddharth Panda with Mr. Ashish Pradhan,  
Advocates for Respondent/ L & B/LAC

**CORAM:**

**JUSTICE S.MURALIDHAR**

**JUSTICE SANJEEV NARULA**

**ORDER**

**07.01.2019**

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1. The prayer in this petition reads as under:

“It is, therefore, respectfully prayed that this Hon'ble Court may be pleased to issue a writ / order / direction in the nature of certiorari calling for the records of the acquisition proceedings in respect of the land comprised in khasra No. 194 (4-16), 195 (4-16) and 201/1 (4-04) total 13 bighas 16 biswas situated in the revenue estate of village Kotla Maigiran, Delhi, acquired vide award No.205/86-87, pronounced on 19.09.1986 and further to issue appropriate writ, order or direction declaring the acquisition proceedings having lapsed and have become inoperative after the coming into, force of the Right to Fair Compensation & Transparency in Land Acquisition, Rehabilitation and Resettlement Act of 2013.

Award cost of proceedings to the humble petitioner.”

2. The narration in the petition is that a notification under Section 4 of the

Land Acquisition Act, 1894 (LAA) was issued on 6<sup>th</sup> April 1964 and 7<sup>th</sup> December 1966 followed by a declaration under Section 6 of LAA. The award was passed on 19<sup>th</sup> September 1986. The explanation that the Petitioner has offered for the inordinate delay in approaching the Court for relief is that since the physical possession of the land in question was not taken and compensation was also not paid, the Petitioner felt no need to challenge the acquisition proceedings till the passing of the 2013 Act.

3. In the counter affidavit filed on behalf of the LAC, it is stated that possession of the land was in fact taken on 17<sup>th</sup> July, 1987 and 5<sup>th</sup> March, 1997 and handed over to the beneficiary. It is further stated that the compensation amount was deposited in the RD.

4. As far as the DDA is concerned, apart from raising the preliminary objection that the Petitioner is barred by laches, it has supported the stand of the LAC that physical possession was taken over and a compensation amount was paid to the Land and Building Department. Despite the LAC's counter affidavit having been filed on 23<sup>rd</sup> October, 2017 and of the DDA on 15<sup>th</sup> February, 2018, no rejoinder affidavit has been filed by the Petitioner to contradict the above averments.

5. In any event, the fact that the Petitioner has approached this Court with an inordinate delay cannot be disputed. The passing of the 2013 Act cannot by itself constitute a cause of action where the Petitioner has taken no step to pursue a challenge to the land acquisition proceedings in the meanwhile. In similar circumstances, this Court has, following the decision in *Mahavir v.*

*Union of India (2018) 3 SCC 588* rejected the pleas of the Petitioners in WP (C) No.2734/2015 (*Devender Singh v. Hon'ble Lt. Governor*) and WP(C) No. 1380/2016 (*Bhule Ram v. Union of India*) by its orders dated 10<sup>th</sup> and 17<sup>th</sup> December, 2018 respectively.

6. For the aforementioned reasons, the Court dismisses the present petition.

**S. MURALIDHAR, J.**

**SANJEEV NARULA, J.**

**JANUARY 07, 2019**

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