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

+ **W.P.(C) 1069/2016**

MANPREET SINGH

..... Petitioner

Through: Mr. Aman Nandrajog, Mr. Arjun
Nanda with Mr. Amitabh Sinha,
Advocate

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Vivekananda Mishra, Senior
Panel counsel for UOI.
Ms. Mrinalini Sen with Ms. Kritika
Gupta for DDA
Mr. Yeeshu Jain, Standing Counsel
and Ms. Jyoti Tyagi for L&B/LAC

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE TALWANT SINGH

ORDER
29.07.2019

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1. The prayers in the petition read as under:

“a) An appropriate Writ, order, or directions quashing the Notification No.F-9 (16)/80-L&B dated 25.11.1980 issued under Section 4 of the Land Acquisition Act, 1894, and Notification No.F-9(26)/85-L85B dated 07.06.1985 issued under Section 6 of the Land Acquisition Act, 1894; and

b) An appropriate Writ, order, or directions quashing the Award No. 15/87-88 dated 05.06.1987 published under section 11 of the Land Acquisition Act, 1894, in respect of 5/6th undivided share equivalent to 10 Bighas out of the land and building comprised in Khasra No. 1199 Min (0-18), 1200 Min (3-0), 1202 Min (1-16), 1203 Min (4-16) and 1204 Min (1-10) admeasuring a total of 12 Bighas, situated in the Revenue Estate Village Chattarpur, Tehsil Hauz Khas, New

Delhi; and

c) An appropriate Writ, order, or directions restraining the Respondents from taking physical possession of the land of the Petitioner having $\frac{5}{6}$ undivided share equivalent to 10 Bighas out of the land and building comprised in Khasra No. 1199 Min (0-18), 1200 Min (3-0), 1202 Min (1-16), 1203 Min (4-16) and 1204 Min (1-10) admeasuring a total of 12 Bighas, situated in the Revenue Estate Village Chattarpur, Tehsil Hauz Khas, New Delhi in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013; and

d) An appropriate writ, order, or direction declaring that the land acquisition proceedings in respect of the subject land have lapsed in terms 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 the owner and is in possession of agricultural land admeasuring 12 Bighas bearing Khasra No. 1199 (0-18), 1200 Min (3-0), 1202 Min (1-16), 1203 Min (4-16) and 1204 Min (1-10) totaling 10 Bigha situated in the Village Chattarpur, Tehsil Hauz Khas, New Delhi”, to the extent of $\frac{5}{6}$ th share i.e. 10 Bighas. It is stated that the Petitioner purchased the said land from (1) Shri Sharwan Kumar Sahni, (2) Shri Subhash Sahni and (3) M/s Kaushalya Farms Pvt. Ltd by a registered Assignment Deed dated 5th March 2015. The three entities from whom the Petitioner purchased the said land were all acting through a GPA holder Shri Lalit Kapoor. The Petitioner states that the acquisition proceedings were challenged in ***Balak Ram Gupta v. Union of India 37(1989) DLT 150***, however the Petitioner was not a part of the petition. It is further submitted that no compensation has been paid to the Petitioner or to the predecessor-in-interest, nor has the possession of the subject land been taken.

3. The narration in the petition reveals that notification under Section 4 of the Land Acquisition Act, 1894 ('LAA') was issued on 25th November 1980, followed by declaration under Section 6 of the LAA on 7th June 1985. The impugned Award No. 15/87-88 was passed on 5th June 1987. There is no explanation in the petition for the inordinate delay in approaching the Court for relief.

4. In the counter-affidavit filed on behalf of the LAC, it is submitted that against the said acquisition proceedings, the affected parties challenged the same in ***Balak Ram Gupta v. Union of India*** in which batch of petitions were allowed by this Court by judgment dated 18th November 1988 as the Notification issued under Section 6 LAA was quashed. It is submitted that the petitioner never challenged the notifications issued under Sections 4 and 6 LAA. It is further submitted that the possession of Khasra No. 1199 (0-18), 1200 Min (3-0), 1202 Min (1-16), 1203 Min (4-16) and 1204 Min (1-10) could not be taken. On the aspect of compensation, it is stated that:

“The compensation for the same was sent to the ADJ court vide Cheque no. 156956 dated 27.12.2013 in the name of Smt. Angoori Devi D/o Kalu, as amount as of Rs.507811.06, Jitender Singh S/o Pokar Singh as amount of Rs.603496.25, Ram Singh S/o Parbuas amount of Rs.301748.12, Daya Nand S/o Parbu as amount of Rs.301748.12, Ram Chander S/o Natha as amount of Rs.305353.02, Ram Singh S/o Natha as amount of Rs.305353.02, Phool Singh S/o Natha as amount of Rs.305353.02, nobody turned up to claim compensation.”

5. In the counter-affidavit filed by the DDA, it is submitted that the petition is barred by delay and laches. It is further submitted that as per the land records, the physical possession of the subject land was not

handed over by the LAC. It is submitted that an amount of Rs.100 Crores was remitted to the LAC with respect to compensation for 13 villages which included village Chattarpur.

6. No Rejoinder has been filed by the Petitioner to the counter affidavits of the LAC or the DDA.

7. The assertion by the Petitioner that he continues to remain in possession of the land in question or that the compensation has not been tendered gives rise to disputed questions of fact which cannot be examined in this petition. The fact further remains that the Petitioner has no explanation to offer for the inordinate delay in approaching the Court for the relief.

8. On the aspect of laches, in *Indore Development Authority v. Shailendra* (2018) 3 SCC 412 a three Judge Bench of 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 rights which have become barred, either due to inaction or otherwise by operation of law. Fraudulent and stale claims are not at all to be raised under the guise of section 24. Misuse of provisions of section 24(2) cannot be permitted. Protection by the courts in cases of such blatant misuse of the provisions of law could never have been the intention behind enacting the provisions of section 24 (2) of the 2013 Act; and, by the decision laid down in Pune Municipal Corporation (supra), and this Court never, even for a moment, intended that such cases would be received or entertained by the courts.”

9. It may be noted here that the reference made by a Constitution Bench in *Indore Development Authority v. Shyam Verma (2018) 4 SCC 405* regarding the correctness of the aforesaid decision in *Indore Development Authority v. Shailendra (supra)* is as regards the extent to which it differs from the earlier view of the Supreme Court in *Pune Municipal Corporation v. Harakchand Misrimal Solanki (2014) 3 SCC 183* regarding the tendering of compensation, and on certain other issues but not on the question of petitions seeking declaration under Section 24 (2) of the 2013 Act being barred by laches. This legal position was explained by this Court recently in *Mool Chand v. Union of India 2019 (173) DRJ 595 DB*.

10. For the aforementioned reasons, the writ petition is dismissed both on the ground of laches as well as on merits, but in the circumstances, with no orders as to costs. The interim order dated 12th February 2016 passed by this court which stood confirmed on 21st November 2017 is hereby vacated.

S. MURALIDHAR, J.

TALWANT SINGH, J.

JULY 29, 2019

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