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

+ **W.P.(C) 1209/2018**

**KULDEEP SINGH RANA**

..... Petitioner

Through: Mr. Satish Rana, and Mr JP Sharma,  
Advocates

versus

**UNION OF INDIA & ORS.**

.... Respondents

Through: Mr. Yeeshu Jain, Standing Counsel and  
Ms. Jyoti Tyagi for L&B/LAC  
Mr Suhael Buttan, Advocate for R-  
3/DDA

**CORAM:**

**JUSTICE S.MURALIDHAR**

**JUSTICE I.S. MEHTA**

**ORDER**

**02.04.2019**

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1. The prayers in the petition read as under:

“1. Issue appropriate writ/instructions/directions in favour of the petitioner and against the respondents thereby directing to the respondents no.1 to 3 to release the land of the petitioner -acquired through the Award No.08/1991-92 dated 03.02.1992 in respect of the petitioner's land comprised in the total land measuring 4 Bigha 16 Biswas forming part of Khasra No.712 (04 Bigha-16 Biswa) situated in the revenue estate of Village Siras Pur, Delhi-110042 in the interest of justice; and

2. Issue appropriate writ / instructions to declare the land acquisition proceedings under the Land Acquisition Act, 1894 vide Award No.08/1991-92 dated 03.02.1992 in respect of the petitioner's land comprised in the total land measuring 04 Bigha 16 Biswas forming part of Khasra No.712 (04 Bigha-16 Biswa) situated in the revenue estate of Village Siras Pur, Delhi-110042 shall be deemed to have lapsed, in the interest of justice; and

3. Pass any other or further order(s) as this Hon'ble Court may deem fit and proper in the interest of justice.”

2. The narration in the petition is that the Petitioner was the owner and in possession of land measuring 04 Bigha 16 Biswas forming part of Khasra No.712 (04 Bigha-16 Biswa) situated in the revenue estate of village Siras Pur, Delhi (hereinafter the ‘subject land’). It is stated that the said land was acquired by the impugned Award No.08/1991-92 dated 3<sup>rd</sup> February 1992. A copy of the *Khasra Khatoni* of the subject land has been annexed along with the petition.

3. It is claimed in the petition that physical possession of the subject land was taken by the LAC, but no compensation was paid. Thereafter, the petition straightaway refers to the passing of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (‘2013 Act’) and prays that the acquisition proceedings with respect to the subject land be declared as deemed to have lapsed.

4. In the counter affidavit filed on behalf of the DDA, it is stated that subsequent to the subject land being notified under Section 4 of the Land Acquisition Act, 1894 (‘LAA’) on 9<sup>th</sup> February 1989 followed by declaration under Section 6 LAA on 7<sup>th</sup> February 1990, the Award No.8/91-92 was passed on 3<sup>rd</sup> February 1992. It is submitted that physical possession of the subject land was taken by the DDA on 18<sup>th</sup> September 2004 through the LAC/L&B Department, and thereafter “transferred to JE/ND-I/DDA on 22<sup>nd</sup> September 2004. A copy of the possession report has been annexed along with the affidavit. As regards compensation, it has been stated that “Respondent No.3 paid compensation amount of Rs.2,56,91,250/- vide Cheque No.207264 dated 31.1.92 and amount of Rs.2,00,00,000/- was paid vide cheque No.002099 dated 19.4.1988 to Land and Building Department.” It is stated that the present

petition is not maintainable as the acquisition proceedings have attained finality, and that the Petitioner's reliance on the provisions of the 2013 Act is misplaced.

5. No rejoinder has been filed on behalf of the Petitioner to the counter affidavit of the DDA.

6. The fact remains that the Petitioner has no explanation to offer for the inordinate delay in approaching the Court for the relief of compensation arising from an Award that was passed way back on 3<sup>rd</sup> February 1992 i.e. more than 16 years prior to the filing of the petition. On the aspect of laches, the following observations in the judgment of the three Judge Bench in *Indore Development Authority v. Shailendra (2018) 3 SCC 412* are relevant:

“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 come 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.”

7. Consequently, for the aforementioned reasons, the reliefs prayed for in the petition cannot be granted.

8. The writ petition is dismissed.

**S. MURALIDHAR, J.**

**APRIL 02, 2019**  
**tr**

**I.S. MEHTA, J.**