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

+ **W.P.(C) 1399/2016 & CM APPL. 45958/2017**

TARUN MITTAL

..... Petitioner

Through: Mr.Deepak Khosla with Mr.Samit
Khosla, Advocates.

versus

UNION OF INDIA & ANR

..... Respondents

Through: None.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

21.01.2019

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

“It is, therefore, respectfully prayed that this Hon Court may be pleased to issue a writ / order / direction in the nature of mandamus calling for the records of the acquisition proceedings with respect to the lands comprised in Khasra Number. 727/729/217/1/2 measuring 47 bighas 07 biswas situated in the revenue estate of village Ghazipur, Delhi acquired vide Award No. 27/1970-71 and further to pass appropriate writ, order or directions in the nature of mandamus directing the authorities/respondents to return to the petitioner 8 bighas 14 biswas land by removal of its Board put by the DDA/respondent No.2 and also by removing the boundary wall constructed by the respondents around the land and further they be directed to restore possession of the said 8 bighas 14 biswas land to the petitioner and in case the authorities/respondents are unable to restore the actual, physical possession of the 8 bighas 14 biswas land to the petitioner, they be directed to pay compensation to the petitioner in accordance with the

provisions envisaged under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act of 2013 along with all statutory benefits.”

2. The narration in the petition is that an additional counter-affidavit has been filed by the Land Acquisition Collector (LAC) in which *inter alia* it is pointed out that there are two land acquisition award Nos.27/1970-71 dated 29th August 1970 and 27-D/70-71 dated 23rd March 1977 in regard to subject land following in Khasra No.727/729/217/1/2. The case of the Petitioner is that Award No.27/1970-71 was in respect of 56 bighas and 1 biswa out of which only 47 bighas and 7 biswas was acquired and the remaining land of 8 bighas and 14 biswas, on which the DDA put its board, was not in fact part of the award and should be returned to the Petitioner.

3. There is no indication in the entire petition as to why the Petitioner was waiting for over 40 years after the passing of the Award to approach the Court for relief.

4. During the pendency of the present petition, the revenue officials were directed by the Court by an order dated 18th December 2017 to demarcate land admeasuring 8 bighas 14 biswas to which the Petitioner is laying a claim. In para 5 of the additional affidavit it is stated that when this exercise was carried out by the revenue officials and the revenue records were inspected they realized that the said land of 8 bighas 14 biswas “was not only acquired, taken possession of but also the compensation was duly paid to the father of the Petitioner.”

5. On the aspect of laches, in *Mahavir v. Union of India (2018) 3 SCC 588* the Supreme Court has observed as under:

“23. In the instant case, the claim has been made not only belatedly, but neither the petitioners nor their previous three generations had ever approached any of the authorities in writing for claiming compensation. No representation had ever been filed with any authority, none has been annexed and there is no averment made in the petition that any such representation had ever been filed. The claim appears not only stale and dead but extremely clouded. This we are mentioning as additional reasons, as such claims not only suffer from delay and laches but courts are not supposed to entertain such claims. Besides such claims become doubtful, cannot be received for consideration being barred due to delay and laches.

24. The High Court has rightly observed that such claims cannot be permitted to be raised in the court, and cannot be adjudicated as they are barred. The High Court has rightly observed that such claims cannot be a subject matter of inquiry after the lapse of a reasonable period of time and beneficial provisions of Section 24 of the 2013 Act are not available to such incumbents. In our opinion, Section 24 cannot revive those claims that are dead and stale.”

6. The above observations have been followed by this Court in several orders including the order dated 10th December, 2018 in WP(C) No. 2734/2015 (*Devender Singh v. The Hon’ble Lt. Governor*) and similar petitions have been dismissed on the ground of laches. Learned counsel for the Petitioner is unable to satisfy the Court on laches. Accordingly the petition is dismissed both on the grounds of delay as well as on merits. The pending application also stands disposed of.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 21, 2019 / tr
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