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

+ **W.P.(C) 1410/2016 & CM APPL. 6175/2016**

ANT RAM

..... Petitioner

Through: Mr.Virendra Rawat, Advocate.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Dr.L.C.Singhi, Advocate for UOI.
Mr.DhaneshRelan, Standing Counsel
for DDA with Ms.Gauri Chaturvedi,
Advocate.
Mr.Yeeshu Jain, Standing Counsel
with Ms.Jyoti Tyagi, Advocate for
L&B /LAC.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

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07.01.2019

1. The Petitioner has approached the Court seeking the following relief:

“It is, therefore, most respectfully and humbly prayed that this Hon'ble Court may be pleased to :

a) issue a writ of mandamus directing that on application of Section 24(2) of the New Land Act the Respondents have no right, title or interest in the Subject Lands at Khasra Nos (s) 141(0-9), 194(0-15), 212 (1-10), 316(2-14), 334(4-1), 195(2-5), 224(7-10), 243(5-17), 311(4-4), 312(3-12), 142(4-7), 196(2-8) 212(1-5) and 244(4-1) total admeasuring 49 bighas 17 biswas which was subjected to acquisition pursuant to notification No. F.8(67) /76-L&B/LA/ 33377 dated 17.11.80 and the award

79/82-83 dated 9.3.83;

b) Pass such other and further order(s) as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. In the counter-affidavit filed by the LAC (East) it is stated in para 4 that consequent upon the award dated 9th March 1983 actual vacant physical possession of land in Khasra Nos. 212(1-10), 334(4-10), 224(7-10) and 243(5-17) were taken on 11th March 1983. It is pointed out that lands falling in Khasra Nos. 194/2(0-11), 316(2-14), 195(2-05), 311(4-04) and 312(3-12) could not be taken. Counsel for the LAC explained that this was on account of the said land being built upon. It is further stated in the counter-affidavit that as per grounds (g) of the writ petition, the Petitioner claims to be the owner in possession of 1100 sq.yds. whereas he is seeking compensation in respect of a much larger portion of the entire land which was acquired. It is pointed out that compensation was paid to the recorded owners including to the Petitioner for his 1/24th share on 1st July 1985 and for 1/6th share on 2nd April 1983 respectively for lands for which the possession has been taken over by the Government. No rejoinder has been filed by the Petitioner till date to the above counter-affidavit which was filed way back on 19th February 2018.

3. It is obvious that the Petitioner has approached the Court after an extraordinary delay which has not been satisfactorily explained. the Supreme Court in *Mahavir v. Union of India (2018) 3 SCC 588* emphasized that a declaration in terms of Section 24 (2) of the 2013 Act has to be sought within a reasonable time. This Court has in its orders dated 10th

December 2018 in WP(C) 2734 of 2015(***Devender Singh v. The Hon'ble Lt. Governor***)and 17th December 2018 in WP(C) 1380 of 2016(***Bhule Ram v. Union of India***)rejected the writ petitions seeking similar relief. There the Court rejected the plea of the Petitioners, which is also urged here, that the 2013 Act offered a fresh cause of action even where the Petitioner themselves made no effort in the intervening period to challenge the acquisition proceedings.

4. Even on merits the Petitioner has failed to rebut the above assertions of the LAC both as regards taking of physical possession of the land as well as on the payment of compensation.

5. The petition is dismissed both on laches as well as on merits. The pending application is also dismissed.

S.MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 07, 2019

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