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

+ **W.P.(C) 2164/2016**

SUSHIL KUMAR

..... Petitioner

Through: Mr.Sudeep Singh with Mr.Akul
Mehandru, Advocates.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr.Vijay Joshi, Advocate for UOI.
Ms.Niharika Ahluwalia with
Mr.Vinayak Harshwardhan,
Advocates for DDA.
Mr.Rajneesh Sharma, Advocate for
LAC/L&B.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

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07.01.2019

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

“The petitioner, in view of the facts and circumstances aforesaid as also the grounds taken in the writ petition, most respectfully prays that this Hon'ble Court May be pleased to issue;

(A) writ, order or direction in the nature of a writ of declaration, declaring the acquisition proceedings initiated in respect of the land of the petitioner admeasuring 1 Bigha 16 Biswa in Khasra No. 26//3/2 Min (1-0) & 26//4 Min (0-16) in the revenue estate of Village Pansali, Delhi as deemed to have lapsed in view of the provisions of the Right to fair compensation and transparency in Land Acquisition, Rehabilitation &

Resettlement Act, 2013.

(B) Writ, order or direction in the nature of a writ of mandamus, thereby directing the respondents not to intervene with the peaceful possession and enjoyment of land measuring 1 Bigha 16 Biswa in Khasra No. 26//3/2 Min (1-0) & 26//4 Min (0-16) in the revenue estate of Village Pansali, Delhi.

(C) Such other writ and/or orders as this Hon'ble court may deem fit, just and proper in the facts and circumstances of the case.”

2. According to the narration in the petition, a notification under Section 4 of the Land Acquisition Act, 1894 ('LAA') was issued on 21st March, 2003 followed by declaration under Section 6 of the LAA on 18th March, 2004. Possession of the land which was the subject matter of the Award excluding a portion admeasuring 98 *bighas* and 11 *biswas* was taken on 23rd November, 2005.

3. In the reply filed by the Delhi Development Authority (DDA) a preliminary objection has been raised with respect to the delay and laches in filing the writ petition. It is stated that even the Petitioner has admitted that the Award dated 17th August 2005 was passed in respect of land falling under Khasra No.26//3/2(2-18) and 26//4(4-16), and the said land was in the possession of the Government.

4. According to the counsel for the Petitioner, although part compensation was paid way back in 2005, some portion of the land still remains in his possession. However, no rejoinder has been filed to the counter-affidavit of the DDA.

5. Despite being aware of the passing of the Award and having accepted part compensation, the Petitioner waited for over ten years to file the present petition challenging the acquisition proceedings. Except stating that the 2013 Act provided a cause of action to seek relief since 1st January 2014, there is no explanation offered for the inordinate delay since 2005 in approaching the Court for relief.

6. 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. Further, 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 reliefs on the ground of laches after rejecting similar pleas on behalf of those Petitioners. The petition is accordingly dismissed on the ground of laches.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 07, 2019

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