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

+ **W.P.(C) 2986/2016**

MEER SINGH & ORS.

..... Petitioners

Through: Mr. Aadil Singh, Advocate with Mr.
Boparai, Advocate.

versus

LIEUTENANT GOVERNOR, DELHI & ORS.

..... Respondents

Through: Mr. Dhanesh Relan, Standing
Counsel for DDA with Mr. Kamal
Sarout and Mr. Rajeev Jha,
Advocates.

Mr. Yeeshu Jain, Advocate with Ms.
Jyoti Tyagi, Advocate for LAC/L&B.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

% **08.01.2019**

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

a. Issue a writ in the nature of certiorari/ declaration that the acquisition proceedings with respect to the agricultural land in khasra no. 2717/1667/4/1 (15 Biswas), in the village Mehrauli have lapsed in terms of the section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013;

b. direct the respondents to record the names of the petitioners as the owners of the subject land in question;

c. pass any other order/suitable directions as this Honourable court deems just and appropriate in the facts and circumstances of the case.

2. According to the narration in the petition, the notification under Section 4

of the Land Acquisition Act, 1894 ('LAA') was issued on 23rd January, 1965 followed by a declaration under Section 6 LAA on 7th December, 1966. The Award was ultimately passed on 27th September, 1971.

3. In the meanwhile, suits were instituted by the Gaon Sabha against the predecessor-in-interest of the Petitioner. The suit was dismissed on the ground of limitation but the Appellate Authority, by order dated 30th June, 1970, remanded the suit to the Revenue Assistant to be decided on merits. The suit ultimately came to be dismissed on 31st December, 1970 and this order was upheld in appeal on 14th April, 1971.

4. According to the Petitioner himself, on 19th February 1999, the built up portion on the land in question was demolished. However, the Petitioner claims that the possession has continued to remain with him and compensation has also not been paid.

5. In the counter affidavit filed by the Additional District Magistrate (South West) (Respondent No. 4), it is claimed that the Petitioners have never placed on record any title document to substantiate the claim as the revenue record shows that the subject land is in the name of Gaon Sabha. It is further stated that there was a dispute over the payment of compensation and therefore the amount was deposited in the Court of the Additional District Judge (ADJ). It is stated that physical possession was taken on 27th September, 1971 and handed over to the requisitioning agency i.e. DDA.

6. A separate counter affidavit has been filed on 24th August, 2017 by the

DDA confirming the aforementioned facts. It is added that in terms of the revenue records and as per the Petitioners themselves, the land was shown as 'Gair Mumkin Pahar'. Further, the DDA has with its affidavit enclosed copies of the possession proceedings dated 18th January, 1972 to establish that physical possession was handed over to DDA at site on that date.

7. No rejoinder has been filed either to the affidavit of the ADM or DDA by the Petitioner. The assertion by the Petitioner on continuing to remain in possession of the land, therefore, becomes a disputed question of fact.

8. Furthermore, there is no explanation whatsoever in the petition for the inordinate delay in coming forward to challenge the land acquisition seek relief under Section 24 (2) of the 2013 Act. In any event, the fact that the Petitioner caused inordinate delay in approaching the court cannot be disputed. In similar circumstances, this Court has, following the decision in ***Mahavir vs. Union of India (2018) 3 SCC 588*** rejected similar pleas of the Petitioners in WP(C) No.2734/2015 (***Devender Singh vs. Hon'ble Lt. Governor***) and WP(C) No. 1380/2016 (***Bhule Ram vs. Union of India***) by its order dated 10th and 17th December, 2018 respectively.

9. For the aforementioned reasons, the petition is dismissed.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 08, 2019/ss