

\$~

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

29

+ **W.P.(C) 3673/2016**

**KRISHNA DEVI & ORS.**

..... Petitioners

Through: Mr Abhimanyu Singh Khatri,  
Advocate.

versus

**UNION OF INDIA & ORS.**

..... Respondents

Through: Mr Rajesh Sharma, Advocate for R-1.  
Mr Siddharth Panda, Advocate for  
LAC.

**CORAM:**

**JUSTICE S.MURALIDHAR**

**JUSTICE SANJEEV NARULA**

**ORDER**

%

**09.01.2019**

1. The prayers in the present petition read as under:

- “a) issue appropriate writ or any other order or direction in the nature of *certiorari* thereby quashing the award no. 19/1987-1988 and all other subsequent proceedings, in respect of land of the petitioners falling in khasra no. 32/24/2 (3-11) and 48/4 (4-01) situated in Village Devli, Delhi.
- b) writ order or direction declaring the entire acquisition proceedings to be lapsed in view of section 24(2).
- c) writ, order or direction in the nature of prohibition thereby restraining the respondent, their officers, agents or representatives or anybody claiming through them, interfering in the peaceful possession and enjoyment of the land in question and also restrain them from taking

forceful actual physical possession of petitioners' land in any manner whatsoever.

d) Any other relief or order that this Hon'ble Court deems fit and proper also be passed in favour of the petitioners and against the respondents”

2. According to the narration in the petition, notification under Section 4 of the Land Acquisition Act, 1894 ('LAA') was issued on 5<sup>th</sup> November 1980 followed by declaration under Section 6 of LAA on 6<sup>th</sup> June, 1985. The Award No.19/87-88 was passed by the Land Acquisition Collector (LAC) on 5<sup>th</sup> June, 1987.

3. According to the Petitioners, the physical possession of the land in question i.e. 3 *bighas* and 11 *biswas* falling in Khasra No. 32/24/2 and 4 *bighas* and 1 *biswas* in Khasra No. 48/4 in Village Devli, Delhi is still with the Petitioners.

4. In response to the petition, a counter affidavit has been filed by the DDA in which it is *inter alia* stated that the physical possession of the land in question has not been handed over to the DDA by the Land & Building ('L&B') Department. In a separate counter affidavit filed by the LAC, it is pointed out that the land acquisition proceedings were challenged by the interested persons before this Court by filing various writ petitions wherein interim orders were passed. This continued till 2005 when this Court dismissed the writ petitions and upheld the acquisition proceedings. While in one set of petitions, the High Court dismissed the case of the interested persons, in another set it allowed their claim. The appeals preferred by the land owners were dismissed by the Supreme Court in ***Om Prakash v Union***

*of India (2010) 4 SCC 17* whereas that preferred by the Government of India was also dismissed in *Union of India v. Shivraj (2014) 6 SCC 564*. It is stated that the possession of the land in question was not taken but the compensation amount was sent to the Revenue Deposit ('RD'). It is pointed out that while the Petitioners' claim to have inherited the land in question from their mother who was having a one third share in the land, they are claiming relief in respect of the complete land.

5. Nowhere have the Petitioners given any convincing explanation for the inordinate delay in approaching this Court for relief, although they acknowledged that the Award was passed way back on 5<sup>th</sup> June, 1987. It is also not clear that the Petitioners themselves ever challenged the land acquisition proceedings earlier.

6. 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.”

7. The above observations have been followed by this Court in several orders including the order dated 10<sup>th</sup> December, 2018 in WP(C) No. 2734/2015 (*Devender Singh v. The Hon’ble Lt. Governor*) and order dated 19<sup>th</sup> December 2018 in WP(C) No.6287/2014 (*Kartar Singh. v. Union of India*) and similar petitions have been dismissed on the ground of laches.

8. In any event, the fact that the Petitioners have approached this Court after an inordinate delay cannot be disputed. The passing of the 2013 Act cannot by itself constitute a cause of action where the Petitioners have taken no step to pursue a challenge to the land acquisition proceedings in the meanwhile.

9. For the aforementioned reasons, the writ petition is dismissed on the ground of laches.

**S. MURALIDHAR, J.**

**SANJEEV NARULA, J.**

**JANUARY 09, 2019**

*mw*