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

+ **W.P.(C) 3668/2015**

TEJPAL AND ORS.

..... Petitioners

Through: Mr. Nishant, Advocate.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr. Yeeshu Jain and Ms. Jyoti Tyagi,
Advocates for LAC/L&B.
Ms. Mrinalini Sen, Standing Counsel
for DDA with Mr. Tanmay Yadav,
Advocate.
Ms. Shubhra Parashar and Mr. V.P.S.
Charak, Advocates for R-1/UOI.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

% **08.01.2019**

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

“(a) The impugned notification No.F.4(98)/64-L&H dated 23.01.1965 U/s 4 of the Land Acquisition Act, 1894 U/s 4 of the Land Acquisition Act, 1894 (Annexure-P-2) and also Notification u/s 6 of the Land Acquisition Act, 1894 was issued vide Notification No.F.4(98)/64-L&H DATED 07.12.1966 (Annexure-P-3) and Award No.33/1986-87 announced on 17.09.1986 of Village Mahipalpur, New Delhi passed under the provisions of Land Acquisition Act, 1894 rAnnexure-P-4) may kindly be quashed, in respect of the subject land bearing Khasra No.864/1 (2-6) out of which the share of the petitioner comes to 1 bigha 13 biswas, situated in the revenue estate of Village

Mahipalpur, New Delhi.

(b) Restrained the respondents, their subordinates, officials, staff as well as their associates etc. from dispossessing the petitioner from subject land bearing Khasra No.864/1 (2-6) out of which the share of the petitioner comes to 1 bigha 13 biswas, situated in the revenue estate of Village Mahipalpur, New Delhi.

(c) Cost of the proceedings may also be awarded in favour of the petitioners and against the respondents.

(d) And to grant any other or further reliefs which this Hon'ble court may deem fit and proper under the circumstances of the case.”

2. The narration in the petition is that a notification under Section 4 of the Land Acquisition Act, 1984 (LAA) was issued on 23rd January 1965 followed by a declaration under Section 6 of LAA on 7th December 1966. The Award was passed on 17th September 1986. The counter affidavit filed by the LAC states that notices under Section 12 (2) in the Land Acquisition Act, 1894 (LAA) were issued to recorded owners. Thus compensation was tendered to the recorded owners but since they did not approach the office of the LAC, the compensation was sent to the RD. It is further asserted that vacant physical possession of the land in question was taken away back on 27th March 2001. Although the said counter affidavit was filed on 11th April 2018 no rejoinder has been filed till date. On merits, therefore, the Petitioners do not have even a prima facie case.

3. Turning to the aspect of laches, there is no explanation whatsoever offered in the petition for the inordinate delay in coming forward to seek relief under Section 24 (2) of the 2013 Act. In ***Mahavir v. Union of India (2018) 3 SCC***

588, the Supreme Court observed in paras 23 and 24 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.”

4. Following the above judgement, this Court has in the large number of decisions, recently rejected petitions seeking similar reliefs on the ground of laches. This includes the decisions dated 10th December 2018 in W.P.(C) 2734/2015 (***Devender Singh v. The Hon’ble Lt. Governor***), 17th December 2018 in W.P.(C) 1380/2016 (***Bhule Ram v. Union of India***), 21st December 2018 in W.P.(C) 5647/2016 (***Ram Devi v. Govt. of NCT of Delhi***) and on 19th December 2018 in W.P.(C) 6287/2014 (***Kartar Singh v. Union of India***).

5. The present petition is accordingly dismissed both on the ground of laches

as well as on merits.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 08, 2019

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