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

+ **W.P.(C) 5395/2016**

SUNIL KUMAR

..... Petitioner

Through: Mr. Alok Dev & Ms. Richa Singh,
Advocates

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr. Sachin Nawani, Advocates for
Respondent Nos.1 & 2

Mr. Yeeshu Jain & Ms. Jyoti Tyagi, Advocates for
Respondent/LAC/L & B

Mr. Nikhil Goel & Mr. Gurpreet Hora, Advocates
for Respondent/DDA

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

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28.01.2019

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

“A. Issue a Writ/Order/Direction in the nature of certiorari, calling for the records of the Khasra No. 57/3 min (0-19) and 57 4/2 min (0-9 ½) Village Prahladpur Bangar, Delhi, belonging to the Petitioner;

B. Issue appropriate Writ, Order or direction, declaring the acquisition proceedings in respect of the land, comprising in Khasra No. 57/3 min (0-19) and 57 4/2 min (0-9 ½) Village Prahladpur Bangar, Delhi, having lapsed and have become inoperative after the coming into force of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013;

C. Issue a Writ/Order/Direction in the nature of certiorari, calling for the records of the case and after examining the legality and validity of the Award bearing No.14/2002-03, quash and set aside the same;

D. Award the cost of the present proceedings in favour of the Petitioner;”

2. From the narration of the petition, it is seen that notification was issued under Section 4 of the Land Acquisition Act, 1894 (LAA) on 27th October 1999 followed by declaration under Section 6 LAA on 3rd April 2000. The Award No.14/2002-2003 was passed way back on 8th July, 2002. Moreover, the purpose for which the land was acquired was for the Rohini Residential Scheme.

3. In the counter-affidavit filed by the LAC, it is stated that subsequent to the Award being passed, actual physical vacant possession was taken on 9th May 2000 and handed over to the DDA by preparing possession proceedings. It is submitted that the recorded owner never turned up to claim the compensation and the records revealed that the same could not be paid. The counter-affidavit filed by the DDA affirms the above, and further stated that “the lands in question have been transferred to Rohini Project Division III, DDA Rohini Residential Scheme on 20.05.2002 and 31.08.2005 respectively. The land is proposed to be used for PSP Pocket 8 and Green Area/Sector 31, Rohini.”

4. No rejoinder has been filed by the Petitioner. There is no explanation in the entire petition for the delay in approaching the Court for relief. Even the

question of taking over possession and the compensation raises disputed question of fact, which cannot be addressed in this petition.

5. 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.

6. Consequently, the petition is dismissed both on the ground of laches as well as on merits. The interim order dated 3rd June 2016 as confirmed on 15th February 2018 hereby stands vacated.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 28, 2019

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