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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 4660/2015**

SHANTI DEVI & ORS

..... Petitioners

Through: Mr. Rohan Nandal, Advocate.

versus

LAND ACQUISITION COLLECTOR SOUTH-WEST & ANR

..... 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 for DDA.

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE SANJEEV NARULA

ORDER
% **08.01.2019**

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

“It is, therefore, respectfully prayed that this Hon'ble court may be pleased to issue a writ/order/ direction in nature of, certiorari calling for the records of the acquisition proceedings in respect of the land comprised in Khasra nos. 1979/ 742(3-0), 2898/883 (2-15),4045/ 2899/ 883 (1-18) and 1663(3-05) total areas measuring 10 Bigha 18 Biswas situated in the Revenue Estate of Village Tuglakabad, New Delhi and further to issue appropriate writ, order or direction declaring the acquisition proceedings having lapsed and have become inoperative after the coming into force of Right to Fair compensation and transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Award cost of the proceedings to the humble petitioner.

The Hon'ble court may pass such other and further order as it deems fit and proper under the facts and circumstances of the case.”

2. The narration in the petition is that a notification under Section 4 of the Land Acquisition Act, 1894 (LAA) was issued on 23rd January 1965 followed by a declaration under Section 6 of LAA issued on 13th January 1969. The Award was passed on 4th November 1981. There is no explanation for the inordinate delay in approaching the Court.

3. 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 judgements delivered 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 on the ground of laches.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 08, 2019

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