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

+ **W.P.(C) 5523/2017**
SATYAVIR PARASHAR AND ANR Petitioners
Through: Mr.Kartikay Sharma, Advocate.

versus

UNION OF INDIA AND ORS Respondents
Through: Mr.Yeeshu Jain, Standing Counsel
with Ms.Jyoti Tyagi, Advocate for
L&B/LAC.
Ms.S.Farah with Mr.Rahul Dubey,
Advocates for DDA.

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE SANJEEV NARULA

% **ORDER**
25.01.2019

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

“a) to issue a writ(s), order(s), direction(s) more in the nature of a writ of Mandamus thereby directing and declaring the entire acquisition proceedings in relation to the land of the petitioners as lapsed in the revenue estate of village Naharpur, Delhi in respect of Khasra Nos. 24(11-7), 25(1-5), 26(0-15) and 28 (1-15) acquired by award no. 35/78-79 dt. 10/01/1979;

b)To award any other/further relief(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case in favour of the petitioners and against the respondents alongwith cost in the interest of justice.”

2. It is seen from the narration of the petition itself that the notification under Section 4 of the Land Acquisition Act, 1894 (LAA) was issued in way back

on 24th October 1961 followed by a notification under Section 6 LAA on 3rd December 1966 and an award No. 35/78-79 dated 10th January 1979. Thereafter, the Petition straightaway refers to the enactment of 2013 Act which is coming into force on 1st January 2014.

3. No attempt is made in the petition to explain the inordinate delay in approaching the Court for relief.

4. The LAC (North-West) has filed a counter-affidavit on 31st January 2018 stating in paras 4 and 5 as under:

“4. That it is submitted that the lands of village Naharpur were notified vide Notification under section 4 of the Land Acquisition Act, 1894 dated 24.10.1961 which was followed by Award No. 35/78-79 dated 10.1.1979 and the actual vacant physical possession of the subject lands was taken on the spot on 15.2.79 and handed over to the DDA by preparing possession proceeding on the spot. The recorded owner never turned up to claim compensation which is lying unpaid in RD.

5. That it is submitted that the present challenge to the Notification which was issued in the year 1961 and the proceedings there-under whereby the possession of the lands were taken way back in the year 1979 itself, the present petition at this belated stage is liable to be dismissed on the ground of limitation alone.”

5. Separately, the DDA has filed the counter-affidavit confirming, *inter alia* that physical possession of the acquired land was handed over to the DDA by the LAC on 15th February 1979 itself. An objection has also been taken to the petition being barred by laches.

6. In the rejoinder filed by the Petitioners to the counter-affidavit of the LAC

the Petitioner states that since Respondents admitted that the recorded owners of the land are the predecessors-in-interest of the Petitioners, they are entitled for compensation. It is denied that possession was taken on the spot on 15th February 1979 and handed over to the DDA. It is admitted that the Petitioners are still in possession of the land in question.

7. It is plain that both issues of compensation and possession in view of the pleadings there are disputed questions of facts which cannot be examined in the present petition.

8. In any event, there is no satisfactory explanation given by the Petitioner for the inordinate delay in approaching the Court for relief. This Court has, following the decision of the Supreme Court in *Mahavir v. Union of India* (2018) 3 SCC 588, dismissed the petitions seeking similar reliefs on account of delay and laches.

9. That apart, admittedly the Petitioner's properties are part of an unauthorised colony and in terms of the decisions dated 10th January 2019 in W.P. (C) 3623 of 2018 (*Akhil Sibal v. Govt. of NCT of Delhi*) and 17th January 2019 in W.P. (C) 4528 of 2015 (*Mool Chand v. Union of India*) no relief under Section 24 (2) of the 2013 Act can be granted *qua* such property. Accordingly, the petition is dismissed both on the ground of laches as well as on merits.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 25, 2019 / tr