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

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**W.P.(C) 6151/2015**

**RAM KISHAN & ORS.**

..... Petitioners

Through: Mr. Anuroop P.S., Mr. Aman,  
Proxy Counsel for Petitioner

versus

**UNION OF INDIA & ORS.**

..... Respondents

Through: Mr Yeeshu Jain, Standing  
Counsel with Ms. Jyoti Tyagi for  
LAC/L&B

**CORAM:**

**JUSTICE S.MURALIDHAR**

**JUSTICE SANJEEV NARULA**

**ORDER**

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**20.02.2019**

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

“It is, therefore, respectfully prayed that this Hon Court may be pleased to issue a writ / order / direction in the nature of certiorari calling for the records of the acquisition proceedings with respect to the lands comprised in Khasra Number. 393/264 min., measuring 16biswas and khasraNo.393/264 min. (2-11)situated in the revenue estate of village Chilla Saroda Bangar, Delhi acquired vide Award No. 22/1982-83 pronounced on 15.06.1982 and Award No.04/1986-87 pronounced on 08.05.1986 respectively and further to pass appropriate writ, order or directions declaring the acquisition proceedings to have lapsed and have become inoperative under sec.24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act of 2013as neither possession of the lands of the petitioner have been taken nor compensation with respect to lands have been paid.”

2. According to the narration in the petition, it is seen that notification under Section 4 of the Land Acquisition Act, 1984 ('LAA') was issued on 26<sup>th</sup> August 1976 for land in Khasra No. 393/264 min. measuring 2 bhighas and 11 biswas. Another notification under Section 4 of the LAA was issued on 9<sup>th</sup> April 1979 for land in Khasra No. 393/264 min. measuring 16 biswas. Award No. 22/82-83 was passed on 15<sup>th</sup> June 1982 and Award No. 04/86-87 was passed on 8<sup>th</sup> May 1986.

3. In the counter-affidavit filed on behalf of the LAC, it is submitted that the Petitioners have not filed any title documents to support the contention that the Petitioner or their predecessors-in-interest were ever the recorded owners of the land in question. It is submitted that the land in Khasra No. 393/264 min (2-11) was acquired vide Award No. 4/86-87 and Khasra No. 393/264 min. (11 biswas) was acquired vide Award No. 22/82-83 respectively for the purpose of planned development of Delhi. It is further stated that the physical possession of the Khasra No. 393/264(0-16) was taken on 12<sup>th</sup> January 1982 and handed over to the requisition agency for 'Construction of Effluent Channel for the Shahadara Sewage Treatment Plant'. It is further stated that part compensation was paid to one Lacchu Ram on 16<sup>th</sup> August 1983 and the rest was sent to the RD. It is also stated that the physical possession of Khasra No. 393/264 min.(2-11) could not be taken nor was any compensation paid to the Predecessors in interest as there is no entry in the Naksha Muntazim.

4. In the counter-affidavit filed by the DDA, it is submitted that the petition is severely barred by delay and laches. It is stated in Para 5 of

the counter- affidavit that the lands acquired were not 'plan awards' and were not acquired on behalf of DDA, the same is reproduced herein below:

“The petitioner has claimed the land measuring (2-11) acquired vide award no-4/86-87 and the land measuring (0-16) acquired vide award no 22/82-83 which were non plan awards and the same was not acquired on behalf of the DDA. Therefore the detailed status of taking possession and payment of compensation in R/o the same can appropriately be responded by the LAC, the respondent no-1. However as per the site position the land measuring 2-11 acquired vide award no-4/86-87 stands utilized under the U P Delhi link road by PWD & the land measuring 0-16 Biswa acquired vide award no.22/82-83 stands utilized by the Delhi Jal Board under the sewage treatment plant therefore PWD & the Delhi Jal Board are the necessary parties to these proceedings. Petitioner has got absolutely no right, title or interest over the land subject matter of the petition and the award has become final, binding and conclusive.”

5. No rejoinder has been filed by the Petitioner to the counter-affidavits filed by the LAC and the DDA. In any event, the assertion by the Petitioners that they continue to remain in possession of the land in question or that no compensation has been tendered for any portion thereof gives rise to disputed questions of fact which cannot possibly be examined in this petition. The fact further remains that the Petitioners have no explanation to offer for the inordinate delay in approaching the Court for the relief.

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 decision has been re-affirmed by the judgment of a three Judge Bench of the Supreme Court in ***Indore Development Authority v. Shailendra (2018) 3 SCC 412*** where it was observed as under:

“128. In our considered opinion section 24 cannot be used to revive the dead or stale claims and the matters, which have been contested up to this Court or even in the High Court having lost the cases or where reference has been sought for enhancement of the compensation. Compensation obtained and still it is urged that physical possession has not been taken from them, such claims cannot be entertained under the guise of section 24(2). We have come across the cases in which findings have been recorded that by which of drawing a Panchnama, possession has been taken, now again under Section 24(2) it is asserted again that physical possession is still with them. Such claims cannot be entertained in view of the previous decisions in which such plea ought to have been raised and such decisions would operate as res judicata or

constructive res judicata. As either the plea raised is negated or such plea ought to have been raised or was not raised in the previous round of litigation. Section 24 of the Act of 2013 does not supersede or annul the court's decision and the provisions cannot be misused to reassert such claims once over again. Once Panchnama has been drawn and by way of drawing the Panchnama physical possession has been taken, the case cannot be reopened under the guise of section 24 of Act of 2013.

129. Section 24 is not intended to come to the aid of those who first deliberately refuse to accept the compensation, and then indulge in ill-advised litigation, and often ill-motivated dilatory tactics, for decades together. On the contrary, the section is intended to help those who have not been offered or paid the compensation despite it being the legal obligation of the acquiring body so to do, and/or who have been illegally deprived of their possession for five years or more; in both the scenarios, fault/cause not being attributable to the landowners/claimants.

130. We are of the view that stale or dead claims cannot be the subject-matter of judicial probing under section 24 of the Act of 2013. The provisions of section 24 do not invalidate those judgment/orders of the courts where under rights/claims have been lost/negated, neither do they revive those rights which have become barred, either due to inaction or otherwise by operation of law. Fraudulent and stale claims are not at all to be raised under the guise of section 24. Misuse of provisions of section 24(2) cannot be permitted. Protection by the courts in cases of such blatant misuse of the provisions of law could never have been the intention behind enacting the provisions of section 24 (2) of the 2013 Act; and, by the decision laid down in *Pune Municipal Corporation (supra)*, and this Court never, even for a moment, intended that such cases would be received or entertained by the courts.”

8. The above observations have been followed by this Court in several

orders including the order dated 10<sup>th</sup> January, 2019 in WP(C) No. 4528/2015 (*Mool Chandv. Union of India*) and similar petitions have been dismissed on the ground of laches.

9. For the aforementioned reasons, the writ petition is dismissed both on the ground of laches as well as on merits, but in the circumstances, with no orders as to costs.

10. The interim order passed by this court on 30<sup>th</sup> June 2015 which stood confirmed on 22<sup>nd</sup> January 2018 stands vacated.

**S.MURALIDHAR, J.**

**SANJEEV NARULA, J.**

**FEBRUARY 20, 2019**