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

+ **W.P.(C) 7281/2017**

MUKESH KUMAR & ORS.

..... Petitioners

Through: Mr.C.Mohan Rao with Mr. Lokesh
Kumar Sharma, Advocates with Petitioner No.1
in person

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr. Siddharth Panda, Advocate for
Respondent/LAC/L & B
Mr. Sanjeev Sagar, Standing counsel for DDA
with Ms.Nazia Parveen, Advocate

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

% **25.01.2019**

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

“a) Declare that the acquisition proceedings initiated under section 4,6
11 and 17 LA Act 1984 with respect to land bearing Khasra no.859
measuring 5 Bhiga & 3 Bishwa out of total area of 10 Bhiga & 6
Bishwa situated at revenue estate of village Kilokari has been lapsed
as per the Right to Fair Compensation and Transparency in, Land
Acquisition, Rehabilitation and Resettlement Act, 2013.”

2. From the narration of the writ petition, it is seen that the notification
under Section 4 of the Land Acquisition Act, 1894 (‘LAA’) was issued on
23rd June, 1989 followed by declaration under Section 6 LAA on 22nd June,
1990. The impugned Award was passed on 19th June, 1992. Thereafter, the
petition straightaway refers to the enactment of 2013 Act which came into

force on 1st January 2014.

3. In the submissions under the title 'brief facts', it is stated in para 'A' that the Petitioners gained ownership of the subject lands by virtue of a GPA, Agreement to Sell, Will (Registered) and Receipts dated 11th February, 1985. It is thereafter stated that they also got certain transfer documents in the same process on 6th January, 1984. It is further stated "since then Petitioners and their family members are in possession of the aforesaid land by constructing about 30 houses as there has been partitioned among the family members of the Petitioners. The aforesaid houses are having electricity and other facilities and the said area is now known as Taimoor Nagar Extension, listed as unauthorised colony, in the list of Urban Development Department, Govt. of NCT of Delhi vide registration No.767."

4. Claiming that neither compensation has been paid nor possession taken, the Petitioner seeks relief of declaration of deemed lapsing of land acquisition proceedings under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 ('the 2013 Act').

5. A counter affidavit dated 16th July, 2018 has been filed by the LAC in which *inter-alia* it is stated in para 7 as under:-

"That it is submitted that out of total 10-06 biswas possession of 9 bighas and 06 biswas of land was taken over and handed over to the beneficiary department on 27.12.1990, however, possession of remaining 1 bighas could not be taken over due to built up. Compensation with respect to above said khasra was also paid to the

recorded owners as well as to the persons who were in possession of the land. The compensation was paid to Sh. Ram Kishan, Ved Prakash, Uday, Tek Ram, Sradha Ram, etc on 27.06.1994 and 30.06.1994.”

6. There is no explanation in the entire petition for the inordinate delay in approaching the Court for relief. Following the decision in ***Mahavir v. Union of India (2018) 3 SCC 588*** this Court has dismissed various petitions seeking similar relief on the ground of laches.

7. Also, it is to be noted that admittedly, the Petitioner’s properties form part of an unauthorised colony. Following the decision of this Court in its order dated 10th January, 2019 in W.P. (C) 3623/2018 (***Akhil Sibal v. Govt. of NCT of Delhi***) and the decision dated 17th January, 2019 in WP(C) No. 4528/2015 (***Mool Chand v. Union of India***), this Court dismisses the present petition both on the ground of laches as well as on merits.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 25, 2019

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