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

+ **W.P.(C) 6107/2015**

PRAMOD SEHGAL & ANR. Petitioners

Through Mr. Bhuvan Ravindran, proxy
counsel

versus

UNION OF INDIA & ORS. Respondents

Through Mr. Rajesh Kumar, Mr. Pradeep Jha
& Mr. Ravi Rai, Advocates for Respondent

No.1/UOI

Mr. Yeeshu Jain, Standing counsel

with Ms. Jyoti Tyagi, Advocates for Respondent/L
& B/LAC

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

% **07.01.2019**

1. The prayer in this writ petition reads as under:-

“a) issue appropriate writ or any other order or direction in the nature of certiorari thereby quashing the award no.45/81- 82 and all other subsequent proceedings, in respect of land of the petitioner falling in khasra no.487/89/1, situated in village Peeragarhi, Delhi.

b) writ order or direction declaring the entire acquisition proceedings to be lapsed in view of section 24(2).

c) writ, order or direction in the nature of prohibition thereby restraining the respondent, their officers, agents or representatives or anybody claiming through them, interfering in the peaceful possession and enjoyment of the land in question and also restrain them from taking forceful actual physical possession of petitioners' land in any manner whatsoever.

d) Any other relief or order that this Hon'ble Court deems fit and

proper also be passed in favour of the petitioners and against the respondents.

e) pass such other order(s)/ direction(s) as are just and proper in the facts and circumstances of the case.”

2. The narration in the writ petition shows notification under Section 4 of the Land Acquisition Act, 1894 (‘LAA’) was issued on 13th November, 1959 followed by declaration under Section 6 of the LAA on 29th December, 1968. The award in question was passed way back on 17th December, 1981. It is also stated that possession of 7 *bighas* and 1 *biswas* of the total acquired land was taken on 24th December, 1981.

3. The Petitioner claims to have purchased the land by registered sale deed on 23rd April, 1998. No attempt was made to show that they made any inquiries whether the land in question was already subject matter of land acquisition award. Be that as it may, it appears that in WP(C) No. 7377/2001, an order was passed by this Court on 22nd September, 2004 for demarcation of an extent of 17 *biswas* of land comprised in Khasra No. 487/89/1. It appears that even this was not followed up by the Petitioners for quite some time. WP(C) No. 4079/2008 was disposed of by this Court on 29th May, 2008 stating that no coercive action of demolition shall be taken in respect of an extent of 250 sq. yards out of Khasra No. 487/89/1 till finalisation of the demarcation report. Thereafter again, no steps were taken by the Petitioners to question the land acquisition proceedings till the passing of the 2013 Act.

4. There has to be some reasonable explanation for the inordinate delay in

coming to the Court under Article 226 of the Constitution seeking relief of 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 in respect of an award that was passed way back on 17th December, 1981.

5. In *Mahavir v. Union of India* (2018) 3 SCC 588, the Supreme Court held 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.”

6. In the present case, this Court is unable to find any justification for the inordinate delay in the Petitioners approaching this Court for relief.

7. It is pointed out in the affidavit of the LAC that physical possession of the land in question was taken way back on 23rd December, 1981 and thereafter on 4th December, 2001. It is pointed out that 17 *biswas* were left out only on account of the stay granted by this Court and in respect of which there was a lapsing of the acquisition proceedings in terms of an order dated 10th July, 2017 in WP(C) No.2/2015 (*Gobind Saran Singh v. LAC*).

8. In the counter affidavit filed on behalf of the Delhi Development Authority ('DDA'), it is pointed out that physical possession was handed over by the LAC to the DDA of the land of 3 *bighas* and 19 *biswas* in Khasra No. 487/89/1 on 23rd December, 1981 and an area of 1 *bigha* 10 *biswas* on 4th December, 2001. It appears that only 17 *biswas* was not handed over for the reasons already noticed hereinbefore.

9. In the circumstances, the Court finds no reason to grant any indulgence to the Petitioner and the petition is dismissed on the ground of laches.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 07, 2019

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