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

+ **W.P.(C) 10351/2016 & CM Appl.No. 40699/2016**

SAROJ DEVI & ORS

..... Petitioners

Through Mr. Rajesh Gupta, Mr. Pranjal Sazan,
Mr. Harpreet Singh & Mr. M.C.Verma, Advocates

versus

UNION OF INDIA & ORS

..... Respondents

Through Mr. Dhanesh Relan, Standing counsel
with Ms. Gauri Chaturvedi, Advocates for
Respondent/DDA
Mr. Siddharth Panda with Mr. Ashish Pradhan,
Advocates for Respondent Nos.4 & 5/LAC/ L & B

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

07.01.2019

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

“(I) Issue writ of DECLARATION and/or any other appropriate Writ, Order or Direction in the like nature declaring the impugned acquisition proceedings commenced vide notification under Section 4 of Act 1894 bearing no. F.15(304)/61/L&H (i) Dated 4-9-1967 together with notification u/s 6 dated 8-3-1968, and resulting in Award no.82A/82-83/86-87 for Village Dhaka, Delhi vis-a-vis subject lands (detailed in Para 5.1) stands lapsed;

(II) Consequently issue writ of CERTIORARI quashing the impugned acquisition proceedings commenced vide notification under Section 4 of Act 1894 bearing no. F.15(304)/61/L&H (i) Dated 4-9-1967

together with notification u/s 6 dated 8-3-1968, and resulting in Award no. 82A/82-83/86-87 for Village Dhaka Delhi vis-a-vis subject lands (Para 5.1);

(III) Issue MANDAMUS and/or any other Writ, Order or direction in the like nature commanding the respondents not to interfere with and/or obstruct the Petitioners in peaceful enjoyment of the subject lands (detailed in Para 5.1) situate in village Dhaka, Delhi;

(IV) Pass any other or further writ, order or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.”

2. The narration in the petition is that a notification under Section 4 of the Land Acquisition Act, 1984 (LAA) was issued on 4th September 1967 followed by a declaration under Section 6 of LAA on 6th March 1968 for public purpose namely for “planned Development of Delhi”. The award was passed on 17th September 1986.

3. In response to the petition, the Land Acquisition Collector (‘LAC’) has filed the counter affidavit dated 17th July, 2018 pointing out that possession of the land was taken over and handed over to the beneficiary Department on 22nd September, 1986. Compensation was forwarded to the Court of the learned Additional District Judge under Sections 30 & 31 of the Land Acquisition Act, 1894 (LAA). It is further asserted that the reference preferred by the Petitioners under Section 18 LAA was forwarded to the Reference Court and compensation was also received to the Petitioners from the Reference Court in the 2003 itself. It is pointed out that this fact has been admitted by the Petitioners in Para 5.2 of the writ petition. The LAC has enclosed with the affidavit a copy of the possession proceedings dated 22nd September, 1986. No rejoinder has been filed to the above counter affidavit.

4. The DDA has filed its counter affidavit on 24th October, 2017 raising the preliminary objection of the maintainability of the petition raising disputed questions of fact and the failure to challenge the acquisition proceedings for several years. The DDA's affidavit also encloses the copy of the possession proceedings and record submitted by the LAC before the ADJ. No rejoinder has been filed even to the counter affidavit of the DDA.

5. Certain photographs have been enclosed with the petition to show that the land has still been cultivated by the Petitioners. However, this by itself will not absorb the Petitioner to explain the inordinate delay in approaching the Court for the relief of the declaration under Section 24 (2) of the 2013 Act that land acquisition proceedings which stood culminated by the Award passed more than 30 years ago have lapsed.

6. Similar pleas were rejected by this Court in its decision dated 19th December, 2018 in WP(C) No. 6287/2014 (**Kartar Singh v. Union of India**). Further the Court, following the decision of the Supreme Court in **Mahavir v. Union of India (2018) 3 SCC 588**, this Court has by its order dated 10th December, 2018 in WP(C) No. 2734/2015 (**Devender Singh v. The Hon'ble Lt. Governor**) and 17th December, 2018 in WP(C) No. 1380/2016 (**Bhule Ram v. Union of India**) reiterated that unless the Petitioners offer a valid explanation for the inordinate delay in approaching the Court for relief the writ petition would have to be dismissed for laches.

7. Following the aforementioned decisions and in the light of the facts and

circumstances listed out hereinbefore, the Court dismisses the present petition both on the ground of laches as well as merits. The application is also dismissed.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 07, 2019

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