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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 10545/2016**

RUCHI SINGLA Petitioner

Through Dr.Surat Singh, Ms. Meenakshi
Rawal, Advocates

versus

UNION OF INDIA & ORS Respondents

Through Mr. Pradeep Kumar Jha, Advocate for
Respondent No.1/UOI

Mr. Yeeshu Jain & Ms. Jyoti Tyagi, Advocates for
Respondents/LAC/L & B

Mr. Pawan Mathur, Standing counsel for DDA

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:

“a. Issue a writ of certiorari or any other writ of like nature declaring that the land acquisition proceedings under Award No. 1804/1965 dated 29.03.1965 of Estate Karkardooma with respect to Plot No. 78, 79, 890, Block-C, Khasra No. 948 (subject land) to be declared as lapsed under section 24(2) of new Act ‘Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013’ as well as the land may be ordered to be returned under Section 101 of New Act or market rate compensation may be given;

b. Pass any other Order which this Hon'ble Court may deem fit and proper in the interest of justice.”

2. The narration in the petition is that a notification under Section 4 of the

Land Acquisition Act, 1984 (LAA) was issued on 13th November 1959 followed by a declaration under Section 6 of LAA on 7th January 1964. The Award was passed on 29th March 1965.

3. There is no explanation in the writ petition for the inordinate delay in approaching the Court for relief. The counter affidavit filed by the LAC on 17th April, 2018 points out that the Petitioner has not annexed the title documents showing her entitlement to the 1/5th share in Khasra No. 948. It is asserted in para 5 of the counter affidavit as under:

“5. That the present writ petition is liable to be dismissed as the recorded owners of subject land duly accepted the acquisition proceedings and Award thereto as having the possession of the land being taken, the recorded owners duly applied for release of compensation and the same was accordingly disbursed to them way back around the year 1965. It is submitted that at this belated stage i.e. after around 60 years, the petitioner be not permitted to allege that compensation was not paid three generations back. The petitioner has not made any averment in the entire writ petition that any stage after the pronouncement of Award and after taking possession of subject land in the year 1965, her father or she ever applied with the office of answering respondent seeking release of compensation and/or ever they furnished any bank details so to enable the answering respondent to lender the compensation. It is submitted that having known to the facts that the revenue records being quite old and would be in dilapidated condition, if traceable, the petitioner intended to file the present writ petition with the allegations of non-payment of compensation after around 60 years of passing of Award and only after enactment of the new Act, 2013.”

4. It is further pointed out that actual vacant physical possession of the land was taken on 27th April, 1965 about a month after the passing of the award on 29th March, 1965 i.e. more than 50 years ago. Some of the recorded co-owners received compensation in 1965. It is submitted that in the absence of

any specific details regarding the ownership of the Petitioner or her predecessor-in-interest, the LAC is unable to provide details of payment of compensation as far as she is concerned. In the counter affidavit of the DDA filed on 18th April, 2018 a similar stand is taken. No rejoinder has been filed by the Petitioner to contradict the above assertions of the LAC and the DDA respectively. Therefore, on merits, the Petitioner do not have even have a prima case.

5. 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.”

6. The above observations have been followed by this Court in several orders including the order dated 10th December, 2018 in WP(C) No.

2734/2015 (*Devender Singh v. The Hon'ble Lt. Governor*) and similar petitions have been dismissed on the ground of laches.

7. For the aforementioned reasons, the writ petition is dismissed both on the ground of delay and laches as well as on merits.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 07, 2019

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