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

+ **W.P.(C) 6491/2015**

RAJ SINGH & ANR

..... Petitioners

Through

Mr. Rajesh Gupta & Mr. Harpreet
Singh, Advocates

versus

UNION OF INDIA & ORS

..... Respondents

Through

Ms. Saroj Bidawat, Advocate for
Respondent No.1/UOI
Mr. Yeeshu Jain & Ms. Jyoti Tyagi,
Advocates for Respondent/LAC/
L & B
Mr. Jyendra, Mr. Santosh Kumar
Sahu & Mr. Hem Kumar, Advocates
for Respondent No.3/DDA

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE I.S.MEHTA

ORDER

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20.03.2019

1. The prayers in the petition read as under:

“(i) Issue a writ, of certiorari and/or any other writ, order or direction of the similar nature declaring the entire acquisition with respect of 4 bigha 17 biswas of land comprised in khasra nos 84//17(1-08), 84/24(0-12) & 96//4(1-12), 84//24(1-05) situated in the revenue Estate of Village Karala Delhi, having lapsed and further quashing the impugned notification No. F.11(19)/01/L&B/LA/20112 dated 21.03.2003 issued under section 4, Notification No. F.11(19)/04/L&B/LA/28199 dated 19.03.2004 issued under section 6 of the Land Acquisition Act, 1894 and the Award no22/2005-06 with respect to 4 Bigha 17 Biswas of Land comprised in khasra nos. 84//17(1-08), 84/24(0-12) & 96//4(1-12), 84//24(1-05) situated in the

revenue estate of village Karala, Delhi.

(ii) Issue a writ of mandamus and/or any other writ, order and direction of the similar nature issuing directions to the Respondents not to disturb or hinder the physical possession and enjoyment of the Petitioners with respect to 9Bigha 2 Biswas of land comprised in khasra nos. 84//17(1-08), 84/24(0-12) & 96//4(1-12), 84//24(1-05) situated in the revenue estate of village Karala, Delhi.

(iii) 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 Petitioners claim the above reliefs on the basis of documents purportedly executed by the recorded owner Shri R.K. Aggarwal on 14th October, 1998 in favour of Petitioner No.1 Shri Raj Singh and on documents dated 19th February, 1999 executed by Shri Raj Singh as the General Power of Attorney (GPA) holder of Shri R.K. Aggarwal in favour of Petitioner No.2. The said documents are unregistered GPAs, agreements to sell and Will, none of which can confirm valid title.

3. The claim of the Petitioners is that notwithstanding there is a notification in respect of the acquisition of these very lands under Section 4 of the Land Acquisition Act 1894 (LAA) on 21st March, 2003 followed by declaration under Section 6 of the LAA on 19th March, 2004 and an Award No. 22/2005-2006 dated 2nd January 2006, the acquisition should be deemed to have been lapsed since they continue to remain in possession and no compensation has been paid. Photographs of the land showing that it is vacant as on the date of filing of the petition have been enclosed with the petition.

4. While issuing notice in the petition on 10th July, 2015 the Court directed status-quo to be maintained as regards, nature, title and possession of the subject land. Subsequently, this interim order was vacated on 13th May, 2017 consequent upon the orders passed by the Supreme Court in matters pertaining to the Rohini Residential Scheme in SLP(C) No. 16385-16388 of 2012 titled *Rahul Gupta vs. DDA*.

5. Counsel for the Petitioners submits that he is not seeking the relief under Section 24(2) on the basis of their being in physical possession of the subject land. Nevertheless he states that since compensation was not tendered they would be entitled to that relief. In support of this, he places extensive reliance in the counter affidavit filed by the LAC in which it is stated that in respect of some of the lands in question, compensation was deposited only on 9th December, 2014.

6. The Court is unable to agree with the above submissions. While in Para 18 of the counter affidavit filed by the LAA, in a tabular form details of compensation paid to the recorded owners have been set out, it is seen that some of the payments were made in 2010-2011. In other words, the reference was made to the Court earlier than the date of payment of compensation. In any event, the entitlement of the Petitioners to claim compensation on the basis of documents which are of doubtful validity, is itself not clear.

7. The added difficulty is that the Award was passed on 2nd January, 2006

whereas the Petitioners are seeking relief by filing the present petition in 2015. Counsel for the Petitioners sought to explain this delay by contending that there was some dispute as regards entitlement to compensation with some other claimants which was pending before the Additional District Magistrate. Although the Petitioners filed a rejoinder on 1st October, 2018, the above plea is not taken therein. No documents have been placed on record to substantiate such plea. With there being no valid explanation for the inordinate delay in approaching the Court for relief, the decision of the Supreme Court in *Indore Development Authority v. Shailendra* (2018) 3 SCC 412 would require the present petition to be dismissed additionally on the ground of laches.

8. For all of the aforementioned reasons, none of the reliefs sought by the Petitioners can be granted. The petition is accordingly dismissed.

S.MURALIDHAR, J.

I.S.MEHTA, J.

MARCH 20, 2019

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