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

+ **W.P.(C) 8373/2015**

GURMEET SINGH & ORS.

..... Petitioners

Through: Mr.S.K.Rout with Mr.Aman
Mehrotra, Advocates.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Ms.Nazia Parveen, Advocate for
DDA.
Mr.Yeeshu Jain, Standing Counsel
with Ms.Jyoti Tyagi, Advocate for
L&B /LAC.

CORAM:

JUSTICE S. MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

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07.01.2019

1. This writ petition has been filed by six Petitioners. The prayers in this writ petition are as follows:

“It is, therefore, most respectfully prayed that this Hon'ble Court may kindly be pleased to:

a. pass a writ order or direction in the nature of a writ of declaration, declaring the acquisition proceedings initiated in respect of the land of the petitioners, bearing no. 114-B, M.S. Block, Hari Nagar, New Delhi Admeasuring 116 sq, yds situated in the Village Naraina and Tihar, Delhi, out of Khasra No. 721/1 (0-10), 721/2 (5-15) 2096/22 (0-02) as deemed to have lapsed in view of provisions of The Right to Fair Compensation and Transparency in Land Acquisition,

Rehabilitation and Resettlement Act, 2013.

b. further pass a writ, order or direction in the nature of a writ of mandamus thereby directing the respondents not to interfere with the peaceful possession and enjoyment of the land bearing no. 114-B, M.S. Block, Hari Nagar, New Delhi Admeasuring 116 sq, yds situated in the Village Naraina and Tihar, Delhi, out of Khasra No. 721/1 (0-10), 721/2 (5-15) 2096/22 (0-02), and

c. pass such other or further orders as deem fit and proper in the circumstances of the case.”

2. In the narration in the writ petition it is stated that notification under Section 4 of the Land Acquisition Act (‘LAA’) was issued way back on 13th November 1959 followed by declaration under Section 6 of the LAA on 3rd March 1962. Three Awards were passed. These were Award Nos.1414, 1750 and 1867 dated 23rd December 1960 and 24th November 1962.

3. It appears that the land acquisition proceedings were challenged 24 years later in 1986 by the predecessors-in-interest of the Petitioners by filing Writ Petition No.1815 of 1986 in this Court. The said petition stood dismissed on 14th August, 2003.

4. According to learned counsel for the Petitioners, there is no need for the Petitioners to offer any explanation for the inordinate delay in approaching the Court for the aforementioned relief. Basing his submissions on the decision in *Govt. of NCT of Delhi v. Manav Dharam Trust (2017) 6 SCC 751* he urged that, notwithstanding the dismissal of the earlier challenge, the successors-in-interest can also approach the Court at any time seeking the above relief.

5. As far as the LAC is concerned, a counter-affidavit has been filed pointing out that apart from physical possession of the land already being with the Respondents, compensation was also paid to the recorded owners between the years 1962 and 1965. The cheque numbers have also been mentioned in paras 7 and 8. The Petitioner, however, contends that compensation for one of the parcels of land has not yet been paid.

6. Be that as it may, the Supreme Court in *Mahavir v. Union of India* (2018) 3 SCC 588 emphasized that a declaration in terms of Section 24 (2) of the 2013 Act has to be sought within a reasonable time. This Court has in its orders dated 10th December 2018 in WP (C) 2734 of 2015 (*Devender Singh v. The Hon'ble Lt. Governor*) and 17th December 2018 in WP(C) 1380 of 2016 (*Bhule Ram v. Union of India*) rejected the writ petitions seeking similar reliefs on the ground of laches.

7. In the present case the earlier challenge to the land acquisition proceedings by the predecessors-in-interest of the Petitioners failed in 2003 itself. The Petitioners are seeking a second round of litigation 12 years later without offering any convincing explanation for the extraordinary delay in approaching the Court. The writ petition is accordingly dismissed.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 07, 2019

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