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

+ **W.P.(C) 6774/2015**

RAM PHOOL & ORS

..... Petitioners

Through: Mr. Vijay Kumar Sharma and Mr.
Narendra Prasad Yadav, Advocates.

Versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr. Yeeshu Jain, Standing counsel with
Ms. Jyoti Tyagi, Advocates for
Respondent/L&B/LAC.

Ms. Mrinalini Sen, Standing counsel & Mr.
Tanmay Yadav, Advocates for Respondent/DDA.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

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07.01.2019

1. The Petitioner seeks a declaration that land acquisition proceedings in respect of land in Khasra Nos. 393/264/2 (36-00), 393/264/2 min (07-08), 419/305 (08-11) total admeasuring 51 *bighas* and 19 *biswas* situated in the revenue estate of Village Chilla Saroda Bangar, Delhi stand lapsed in respect of the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (the 2013 Act).

2. Notification under Section 4 of the Land Acquisition Act, 1894 ('LAA')

in respect of the said land was issued on 17th November, 1980 followed by declaration under Section 6 of the LAA on 29th September, 1981. Award No.39/82-83 was pronounced on 1st September, 1982.

3. The narration in the writ petition shows that between 1st September, 1982 when the Award was pronounced and the filing of this present petition, no steps were taken by the Petitioners to follow up on the issue of payment of compensation. This is despite physical possession being taken by them way back on 1st October, 1982 itself. The petition is obviously barred by laches.

4. From the point of view of the Respondents, it is stated by the LAC that qua the present Petitioners, in respect of the land in Khasra No. 419/305, the amount was deposited in the RD. Whilst there is no specific averment in respect of the deposit of compensation in respect of the land in Khasra No. 393/264/2 min (07-08), the fact remains that the Petitioners did nothing for over 30 years to follow up on the issue.

5. Since the Petitioner is seeking discretionary relief under Article 226 of the Constitution of India, the Petitioner owes this Court an explanation as to why he could not seek relief at an earlier time. 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. The Court is not satisfied that the inordinate delay in approaching the Court for relief has been adequately explained.

7. The petition is accordingly dismissed on the ground of laches.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 07, 2019

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