

\$~24

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

+ **W.P.(C) 6858/2015**

**NARINDER SINGH & ANR**

..... Petitioners

Through: Mr. M.P. Bhargava, Advocate.

versus

**UNION OF INDIA & ORS**

..... Respondents

Through: Mr.Yeeshu Jain and Ms. Jyoti Tyagi,  
Advocates for LAC/L&B.  
Mr. Dhanesh Relan, Standing  
Counsel for DDA with Mr. Rajeev  
Jha and Ms. Komal Sorout,  
Advocates for DDA.  
Mr. Digvijay Rai and Mr. Kustubh  
Singh, Advocates for R-6.  
Mr. Vivek Goyal, CGSC with  
Mr. Pawan Mathur, Advocate for R-1  
& R-2.

**CORAM:**

**JUSTICE S.MURALIDHAR**

**JUSTICE SANJEEV NARULA**

**ORDER**

%

**08.01.2019**

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

“(i) issue a writ of certiorari and/or any other writ, order or direction of the similar nature declaring the entire acquisition proceedings with respect to 4 Bighas 16 Biswas land of the Petitioners comprised in Khasra No. 1866, situated in the revenue estate of Village Malikpur Kohi @ Rangpuri, NCT of Delhi having lapsed and further quashing the impugned notification No.F.7(2)/86-L&B (i) dated 23.12.1986 issued under Section 4 and 17(1) &(3), Notification F.7(2)/86-L&B (ii), (iii) dated

24.12.1986 issued under Section 6 & 17 of the Land Acquisition Act, 1894 and the Award No.28/87-88 with respect to 4 Bighas 16 Biswas land of the Petitioners comprised in Khasra No. 1866 (4-16), situated in the revenue estate of Village Malikpur Kohi@ Rangpuri, NCT of 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 possession and enjoyment of the Petitioners over 4 Bighas 16 Biswas land of the Petitioners comprised in Khasra No. 1866 (4-16), situated in the revenue estate of Village Malikpur Kohi .@ Rangpuri, NCT of Delhi.

(iii) pass any other or further 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, 1894 (LAA) was issued on 23<sup>rd</sup> December 1986 and followed by a declaration under Section 6 of LAA issued on 24<sup>th</sup> December 1986. The Award was passed in 1987-88.

3. In response to the petition, a counter affidavit has been filed by the LAC (New Delhi) pointing out that pursuant to the Award, physical possession of the subject land was duly taken on 29<sup>th</sup> January 1987 and handed over to the requisite agency on the spot. It is further pointed out that since the recorded owners did not come turn up to collect the compensation, it was sent to the RD on 1<sup>st</sup> September 1989.

4. The counter affidavit of the LAC was filed on 12<sup>th</sup> March 2018 and till date there is no rejoinder affidavit filed.

5. The Airports Authority of India (AAI) has filed a separate counter affidavit confirming the above facts and acknowledging that physical possession was indeed handed over to it of 4 bighas and 15 biswas on 1<sup>st</sup> December 1987 and the remaining 1 biswa on 15<sup>th</sup> November 2002. Details have also been given of the amounts deposit in the Court of ADJ with cheque numbers. It has been clarified by the AAI that this is in respect of the enhanced compensation.

6. This affidavit of the AAI was filed on 9<sup>th</sup> May 2018 and again there is no rejoinder to this affidavit as well.

7. The situation therefore is that apart from the fact that there is no explanation for the inordinate delay in approaching the Court for relief, on merits as well the Petitioner has failed to contradict the aforementioned averments of the Respondents.

8. The petition is accordingly dismissed both on the grounds of laches as well as merits.

**S. MURALIDHAR, J.**

**SANJEEV NARULA, J.**

**JANUARY 08, 2019**

*nk*