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

+ **W.P.(C) 12675/2018**

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..... Petitioner

Through: Mr. Rajesh Gupta, Advocate

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Yeeshu Jain, Standing Counsel and
Ms. Jyoti Tyagi for L&B/LAC

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE I.S. MEHTA

ORDER
20.05.2019

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1. The prayers in the petition read as under:

“a) issue a writ of mandamus or any other appropriate writ, order or direction, directing the respondent to pay the compensation to the petitioner as per his share i.e. the share of his father Sh. Rampal in land bearing Khasra Nos.1229/905 (14-13), 981 (06-12), 927 (08-10), total measuring 29-05 at item No. 116 to 119 in Naksha Muntzamin, 911 (12-11), 915 (04- 15), 950 (4), 956 (04-07), 1066 (06-18) at item No.114, 115 in Naksha Muntzamin and other Khasra Numbers, acquired vide Award No.14/1992-93, village Kilokari, New Delhi, as all the other co-sharers have already received their share of compensation;

Such other or further direction/order be passed as may be necessary in the interest of justice in favour of the petitioner and against the respondent.”

2. In the present petition the Petitioner is seeking a direction to the Respondent

to pay compensation to the Petitioner as per his share which is the share of his father Rampal in land bearing Khasra Nos. 1229/905(14-13), 981 (06-12), 927 (08-10) 911 (12-11), 915 (04-15), 950 (4), 956 (04-07), 1066 (06-18) in Village Kilokari.

3. It is stated in the petition that the father of the Petitioner viz., Shri Rampal was co-owner of the subject land which stands acquired by the Award No. 14/1992-93. It is stated in para 2 of the petition that the payment of compensation has been made to the other co-sharers between 1994-1997.

4. It is stated in para 3 of the petition that the father of the Petitioner expired in 1991 and at that time the Petitioner was a minor and could not get compensation. It is further stated that other co-sharers have received their shares however the share of Rampal is lying with the LAC.

5. It is stated that the Petitioner filed an application with office of LAC on 25th February 2015 with the request to make the payment of compensation of his share lying with the LAC. Thereafter, the Petitioner is stated to have sent reminders to the LAC enclosing a copy of the statement under Section 19 of the LAA. The Petitioner states that he sent multiple reminders before sending legal notice dated 27th November 2017.

6. Admittedly the Petitioner's father expired in 1991 and the Petitioner became a major in 2004. However, the first application to the LAC for compensation was made only in 2015, more than a decade later. The Petitioner has no convincing explanation to offer for the inordinate delay in approaching the

LAC for compensation.

7. In any event, the assertion by the Petitioner that he has not received compensation gives rise to a disputed question of fact.

8. For the aforementioned reasons, the writ petition is dismissed on the ground of laches but in the circumstances, with no orders as to costs.

S. MURALIDHAR, J.

I.S. MEHTA, J.

MAY 20, 2019
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