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

+ **W.P.(C) 10752/2015**

GIANINDER & ORS. Petitioners
Through Mr. Sushant Mukund, Advocate

versus

UNION OF INDIA & ANR. Respondents
Through Mr. Yeeshu Jain with Ms. Jyoti
Tyagi, Advocates for Respondent/LAC/L & B
Ms. Arti Bansal, Advocate for Respondent
No.2/DDA

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

% **11.01.2019**

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

“a. May kindly be pleased to issue a writ of mandamus quashing the acquisition of land under Award No.28B/1970-71 qua the land of petitioners and restore the acquired land bearing Khasra No.275, shown in Khasra Girdhwari 1991-92 in Khata No. 3 and restore 1/2 of the land bearing Khasra No.275/2, shown in Khasra Girdhwari 1993-94 in Khata No.19 of the Village Khichripur totaling 4 Bhigha 13 Biswa, to the petitioners.”

2. From the narration of the petition, it is seen that the notification in respect of the land acquisition proceedings under Section 4 of the Land Acquisition Act, 1894 (LAA) was issued way back in 1958-59. Subsequent to the declaration under Section 6 LAA, the Award in question was passed on 7th November, 1975.

3. There is no explanation offered by the Petitioner for the inordinate delay in approaching the Court for relief.

4. Even on merits, it is seen from the counter affidavit filed by the LAC that the physical possession of the land in question was taken on the spot way back on 19th November, 1975 and the compensation amount was deposited in the Reference Court under Sections 30 & 31 of the LAA on 19th October, 1977. The counter affidavit was filed by the LAC way back on 16th February, 2007 and till date there no rejoinder has been filed by the Petitioners. The factum of possession having been taken over and handed over to the DDA has been confirmed by a separate affidavit of the DDA filed on 13th January, 2017 to which again there is no rejoinder filed.

5. On the aspect of laches, in *Mahavir v. Union of India (2018) 3 SCC 588* the Supreme Court has observed 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 above observations have been followed by this Court in several orders including the order dated 10th December, 2018 in WP(C) No. 2734/2015 (*Devender Singh v. The Hon’ble Lt. Governor*) and similar petitions have been dismissed on the ground of laches.

7. For the aforementioned reasons, the writ petition is dismissed both on the ground of laches as well as on merits.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 11, 2019

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