

* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ W.P.(C) 1290/2018

versus

UNION OF INDIA & ORS. Respondents
Through: Ms. Sunita Ojha with Mr. Taush
Ram for UOI.
Ms. Geeta Malhotra for DDA
Mr. Yeeshu Jain, Standing Counsel and Ms.
Jyoti Tyagi for L&B/LAC

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

ORDER
30.04.2019

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1. The prayers in the petition read as under:

“a) Issue a writ of Mandamus or any other appropriate writ(s) directing the respondents to treat the acquisition of agriculture land bearing Khasra no. 381/200, situated at Village Dhaka, Tehsil- Delhi, acquired vide Award No. 82A/82, 83/86-87 as infructuous & deemed to have been lapsed in terms of section 24 (2) of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, in the interest of justice.

b) Pass any other order/s, direction/s, relief/s which may deem fit and proper in the circumstances of the present case & in the interest of justice and to allow the cost of the writ petition.”

2. The narration in the petition reveals that notification under Section 4 of the Land Acquisition Act, 1894 ('LAA') was issued on 4th September 1967, followed by declaration under Section 6 of the LAA on 6th September 1968. The impugned Award No. 82-A/82-83/86-87 was passed on 15th March 1983. There is no explanation in the petition for the inordinate delay in approaching the Court for relief.

3. It is stated in the writ petition that Munni Lal and Kiran Singh were the recorded owners of the land measuring 2 bighas and 12 biswas in Khasra No. 381/200 in Village Dhaka. It is stated that Kiran Singh expired on 11th January 2015 leaving behind the present Petitioners. It is further stated that the subject land stood acquired vide Award No. 82-A/82-83/86-87 but no compensation was received. It is admitted in para 4 of the petition that no claim for compensation was filed. It is stated in the petition that the physical possession of the land has already been taken. The Petitioners are praying for a deemed lapsing of the acquisition proceedings since no compensation has been received.

4. The Court is not satisfied that the Petitioners are entitled to any relief whatsoever. First, there is an inordinate unexplained delay in the Petitioners in approaching the Court for relief. Secondly, the Petitioners have not produced any title/ revenue documents showing that their predecessors-in-interest had any legal title over the said land. Thirdly, on a bare perusal of the Award, the recorded owner of the said land is stated to be one Mr. Samey Singh.

5. In any event, the assertion by the Petitioners that they have not received compensation for the land in question gives rise to a disputed question of facts. The fact further remains that the Petitioners have no

explanation to offer for the inordinate delay in approaching the Court for the relief.

6. On the aspect of laches, in *Indore Development Authority v. Shailendra* (2018) 3 SCC 412 the Supreme Court observed as under:

“130. We are of the view that stale or dead claims cannot be the subject-matter of judicial probing under section 24 of the Act of 2013. The provisions of section 24 do not invalidate those judgment/orders of the courts where under rights/claims have been lost/negated, neither do they revive those rights which have become barred, either due to inaction or otherwise by operation of law. Fraudulent and stale claims are not at all to be raised under the guise of section 24. Misuse of provisions of section 24(2) cannot be permitted. Protection by the courts in cases of such blatant misuse of the provisions of law could never have been the intention behind enacting the provisions of section 24 (2) of the 2013 Act; and, by the decision laid down in *Pune Municipal Corporation v. Harakchand Misrimal Solanki* (supra), and this Court never, even for a moment, intended that such cases would be received or entertained by the courts.”

7. It may be noted here that the reference made by a Constitution Bench in *Indore Development Authority v. Shyam Verma* (2018) 4 SCC 405 regarding the correctness of the aforesaid decision in *Indore Development Authority v. Shailendra* (supra) is only as regards the extent to which it differs from the earlier view of the Supreme Court in *Pune Municipal Corporation v. Harakchand Misrimal Solanki* (supra) regarding the tendering of compensation, and on certain other issues but not on the question of petitions seeking declaration under Section 24 (2) of the 2013 Act being barred by laches. This legal position was explained by this Court recently in *Mool Chand v. Union of India* 2019 (173) DRJ 595 DB.

8. For the aforementioned reasons, the writ petition is dismissed both on

the ground of laches as well as on merits, but in the circumstances, with no orders as to costs.

S. MURALIDHAR, J.

I.S. MEHTA, J.

APRIL 30, 2019

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