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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 1367/2016**

RANVIR SINGH & ORS. Petitioners
Through: Mr. D.K.Sharma, Advocate

versus

UNION OF INDIA & ORS. Respondents
Through: Mr. Rajesh Kumar & Mr. Nikhil
Kumar, Advocates for Respondent No.1/IOI
Mr.Kunal Sharma & Mr. Sutaksh Saini, Advocates
for Respondent/DDA
Mr. Yeeshu Jain with Ms. Jyoti Tyagi, Advocates
for Respondent/LAC/L & B

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

% **09.01.2019**

1. The Petitioners in the present petition sought the following reliefs:-

“A. to issue a Writ of Certiorari thereby quashing impugned Notification No.F.1(43)/63/L&H dated 30.10.1963 U/S.4 of Land Acquisition Act, 1894 and Notification No.F.1(43)/63/L&H dated 16.01.1969 U/S 6 of. Land Acquisition Act, 1894 both issued by Delhi Administration in respect of the land of the petitioners i.e. land situated in the Revenue estate of village Kureni, Tehsil Narela vide Min No.37 area (2-3) i.e. 2 bighas 3 biswas in Khatoni Khata No.25;

B. Further to issue a Writ of Mandamus thereby directing and declaring the entire acquisition proceedings in relation to the land of petitioners i.e. land situated in the Revenue estate of village Kureni, Tehsil Narela vide Min No.37 area (2-3) i.e. 2 bighas 3 biswas in Khatoni Khata No.25, to have lapsed, Delhi; and

c) to award any other relief which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case in, favour of the

petitioners and against the respondents alongwith cost of the petition in the interest of justice.”

2. The narration in the petition reveals that notification under Section 4 of the Land Acquisition Act, 1894 (‘LAA’) was issued on 30th October, 1963 proposing acquisition of land to total extent of Rs.9,500/- acres for the public purpose of development of Narela township. The lands in question were also part of the said notification. This was followed by declaration under Section 6 of the LAA issued on 16th January, 1969. The Award No. 91/80-81 was passed on 6th January, 1981. The case of the Petitioner is that possession of the land was not taken. It is stated that supplementary award No. 91A/80-81 dated 20th June, 1983 was passed in respect of some other portion of the acquired land “but no award was passed in respect of the abovementioned land of the Petitioners since it was not acquired”. Again, it is stated that Award No. 196/86-87 was passed on 19th September, 1986 but this too did not include the land of the Petitioners.

3. It is stated that one Shri Jaswant Singh, father of Petitioner No.1 filed WP(C) No. 2319/1983 in this Court for quashing of the notifications under Sections 4 and 6 of the LAA. The writ petition was dismissed on 8th July, 1993. It is stated that thereafter the predecessors-in-interest of the Petitioners had built a boundary wall and rooms on the land in question. It is claimed that physical possession of the land was never taken over by the Respondents. It is claimed that Delhi Development Authority (‘DDA’) has utilised the acquired land and completed its project of development of the Narela Township. The remaining land including that of the Petitioners was

not needed by the DDA and never vested in the State under Section 16 of the LAA.

4. Thereafter the narration shifts directly to the passing of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 on 26th September, 2013 and the coming into force of the 2013 Act on 1st January, 2014. According to the Petitioner's the entire acquisition with respect to the land of the Petitioners stood lapsed and their claim is for declaration under Section 24(2) of the 2013 Act. It is stated that in response to an application under the RTI Act, a reply was received from the LAC (North) on 21st August, 2015 stating that the land in Khasra No. 37/2/1 (2-03) in Village Kureni stood acquired by Award No. 91-A/80-81. It was further stated that neither physical possession of the land was taken nor compensation paid.

5. Notice was issued in this petition on 19th February, 2016 and interim order was passed directing parties to maintain the status-quo with respect to the nature, title and possession of the subject land.

6. In response to the petition, a counter affidavit has been filed on 20th March, 2018 confirming that the acquisition stood complete in terms of the Award No. 91-A/80-81 and that neither possession could be taken nor compensation paid. It is stated that possession could not be taken on account of the interim order passed by the High Court. It is however pointed out that notice under Section 12 (2) of the LAA has indeed been issued.

7. In a separate counter affidavit of the DDA it is stated that as per the revenue record, Khasra No. 37 in Village Kureni admeasuring 37 *bighas* and 18 *biswas* stood acquired in terms of three awards as under:-

S.No.	Award No.	Khasra No.	Area Acquired	Date of Possession
1.	196/86-87	36 min	32-0	29/09/1986 (2-08) 18/12/1986 (20-00) The possession was directly handed over to APMC
2.	200/86-87	36 min	1-15	29/09/1999 (1-15) the possession was handed over to DDA by LAC/L & B Deptt.
3.	91A/86-87	36 min	2-03	Not handed over to DDA

8. It is further submitted that area of 2 *bighas* 3 *biswas* claimed by the Petitioners was acquired under the third mentioned award.

“Specifically for Indo Burma Petroleum Ltd. For petrol pump-cum-serive station and answering Respondent was not beneficiary of the Acquisition of the said area measuring 2 Bigha 03 Biswa.”

9. It is seen that the claim of the Petitioner in para 8 of the petition that the supplementary Award No. 91-A/80-81 dated 20th June, 1983 did not cover the land of the Petitioners has been contradicted both by the LAC and the DDA. In any event, the prayer for a declaration under Section 24 (2) would

not be maintainable in respect of the aforementioned land to the extent of 2 *bighas 3 biswas* if indeed there was no Award in that regard. Secondly, no rejoinder affidavit has been filed by the Petitioner to contradict the counter affidavit filed by the LAC way back on 20th March, 2018 wherein an explanation has been offered why possession could not be taken or compensation paid.

10. This is a case where the petition is clearly barred by laches. The Petitioners themselves acknowledged that their earlier challenge to the land acquisition proceedings was dismissed by this Court on 8th July, 1993 in Civil Writ petition No. 2319/1983 filed by the predecessors in interest of the Petitioners. For 20 years thereafter no further step was taken to challenge that judgment. It attained finality. Therefore issue concerning the validity of the land acquisition proceedings stood decided against the Petitioners. There is no question of reviving that claim by resorting to Section 24 (2) of 2013 Act. In this context the following observations of the Supreme Court in ***Mahavir v. Union of India (2018) 3 SCC 588*** are relevant:

“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.”

11. In similar circumstances, this Court has, following the decision in *Mahavir v. Union of India* (*supra*) rejected the pleas of the Petitioners in WP (C) No.2734/2015 (*Devender Singh v. Hon’ble Lt. Governor*) and WP(C) No. 1380/2016 (*Bhule Ram v. Union of India*) by its orders dated 10th and 17th December, 2018 respectively.

12. Accordingly, the petition is dismissed on the ground of laches.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 09, 2019

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