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

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+ **W.P.(C) 11089/2015**

AKHILESH CHANDRA

..... Petitioners

Through: Mr LB Rai, Mr Kartik Rai and Ms Disha
Singh, Advocates for the Petitioner.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr Vivekananda Mishra and Mr Vipul
Agrawal, Advocates for Respondent/IOI
Mr Ajay Verma, Senior Standing Counsel
with Mr Kush Sharma, ASC and Mr
Dhanesh Relan, Ms Shrutika Garg, Mr
Sumit Mishra, Advocates for DDA.
Mr Yeeshu Jain and Ms Jyoti Tyagi,
Advocates for LAC/L&B.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

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24.01.2019

1. The prayers in the present petition read as under:

“a) issue a writ, order or declaration declaring that the entire acquisition proceedings i.e Section 4 notification dated 13.11.1959, Section 6 declaration dated 16.05.1966 and the Award No.36A/80-81 announced on 30.03.1981 in respect of the Petitioner land comprised in Khasra Nos. 689/533/199 admeasuring 550 Sq. Yds., situated in the Revenue Estate of Village Lado Sarai, Delhi having lapsed in view of Sub-Section 2 of Section 24 of ‘THE RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT ACT, 2013’; and

b) issue a writ of mandamus directing the respondents not to in any manner whatsoever, interfere with the peaceful enjoyment and possession of the said

land presently in possession and occupation of the Petitioner; and

c) pass such other or further order(s) as this Honourable Court may deem fit and proper in the facts and circumstances of the present case.”

2. According to the narration in the petition, it is seen that notification under Section 4 of the Land Acquisition Act, 1984 (‘LAA’) was issued on 13th November 1959 followed by declaration under Section 6 LAA on 16th May 1966. The impugned Award No.36A/80-81 was passed way back on 30th March 1981.

3. It is further stated that no compensation has been paid for the land in question, possession of the said land was not taken and still continues to remain with the Petitioner. There is no attempt made in the writ petition to explain the inordinate delay in approaching the Court for the reliefs in terms of Section 24 (3) of the 2013 Act.

4. In the counter affidavit filed on behalf of the LAC, it is stated that the Petitioner is not the recorded owner of the land in question and in fact is a subsequent purchaser, who is not entitled to challenge the land acquisition proceedings. It is further submitted that the Award No.36/80-81 was challenged in a petition which was disposed off. Subsequently Award No.36A/80-81 was passed on 30th March 1981. Physical possession of the subject land was duly taken on the spot on 21st May 1981 and handed over to the DDA. The *Naksha Muntazamin* reflects Rs.7100/- as compensation. The counter affidavit filed by the DDA furthers the above stand, and it is submitted that the subject land was transferred to the Horticulture department of the DDA on 23rd June 1981 and vests with the Government, free from all encumbrances. It is also stated that compensation has been disbursed in the form of cheque No.381316 dated 20th April 1981 to the L&B

Department.

5. The Petitioner in a rejoinder to the counter affidavits filed by the Respondents has denied the submissions made by them and has primarily stressed on the fact that possession has not been taken nor compensation paid, and in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 ('2013 Act'), the acquisition proceedings stand lapsed. The fact remains that the Petitioner has no explanation to offer for the inordinate delay in approaching the Court for the relief. In any event, the assertion by the Petitioner that he continued to remain in possession of the land in question gives rise to a disputed question of facts.

6. 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.”

7. 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.

8. For the aforementioned reasons, the writ petition is dismissed both on the ground of delay and laches as well as on merits, but in the circumstances, with no orders as to costs. The interim order dated 1st December 2015 as continued on further dates hereby stands vacated.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 24, 2019