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

+ W.P.(C) 11214/2019 and C.M. No. 46117/2019

ASHOK PRATAP SINGH AND ANR. Petitioners

Through: Mr. Ravinder Kumar Yadav, Ms. Arti Anupriya and Mr. Vinayak Sharma, Advocates.

versus

GOVT. OF NCT OF DELHI AND ORS. Respondents

Through: Mr. Yeeshu Jain and Ms. Indira Karki, Advocates for respondent No.1.
Ms. Shamaa Sharma and Mr. Sushant Tiwari, Advocates for respondent No.3.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

13.01.2020

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1. The petitioners have preferred the present writ petition to seek the following reliefs:

“i. Issue an appropriate writ, order or directions to Land Acquisition Collector (Central District) Office at Daryaganj, Delhi to assess the compensation of the land measuring 613.915 sq. mtrs out of 885.37 sq. mtrs adjoining to the built-up property of petitioners bearing no. 8707 & 8711 under award no. 5/DC/N/2001-2002 dated 20.06.2001 situated in the Delhi-Patti, Pul Bangash, Area known as Roshanara Mansion, Roshanara Road, Block-1 under Ward No. 12, Delhi;

ii. Issue directions to Respondents to assess the compensation of the land of the petitioners as per the present market value of

the land under the Right to Fair Compensation and Transparency Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as the New Land Acquisition Act).

iii. Pass any further order/s that this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.”

2. The petitioners had earlier preferred W.P.(C.) No. 2425/2018, which was withdrawn with liberty to file a fresh petition with appropriate explanation for the delay in approaching the Court. Thereafter, the present petition has been preferred.

3. The admitted position is that the notification under Section 4 of the Land Acquisition Act, 1894 was issued on 08.08.2000 for acquisition of the subject land situated in Village Patti, Pul Bangash, Delhi. The notification under Section 6 of the said Act was issued on 17.10.2000. Thereafter, the award was made on 20.06.2001. The petitioners' claim that no notice under Sections 9 and 12 of the said Act was issued to the petitioners individually. The petitioners' claim that they came to know of the making of the awards dated 20.06.2001 and 26.07.2006 only in August, 2015 when they were negotiating sale of some of their land. After collecting the relevant documents, they staked their claim for compensation in respect of land admeasuring 885.37 Sq. Metres. Since the same was not paid, they earlier preferred W.P.(C.) No. 2425/2018 on 08.02.2018 which, as aforesaid, was dismissed as withdrawn with liberty to file afresh with explanation for the delay in approaching the Court.

4. The petitioners state that they thereafter approached the Public

Grievances Commission for the redressal of their grievances. Thereafter, they have preferred the present writ petition.

5. The petitioners have placed on record the communication dated 07.06.2019 of the Land Acquisition Collector (LAC) addressed to the Public Grievances Commission. With this communication, the LAC enclosed the copy of the award announced on 20.06.2001 along with public notices issued under Sections 9 & 10 of the Land Acquisition Act. It also states that possession of the land was taken on 10.07.2001. The communication also states that it cannot answer the claim of the petitioners that compensation was not paid with regard to the petitioners' claim @ 25% as per the award since the file is not available with the LAC Branch (Central). The communication clarifies that the payment was made by the then LAC (North) in the year 2001 as before the re-organization of the districts in the year 2012, the relevant area was under the jurisdiction of the LAC (North). In the absence of the payment file, no comment could be offered by the LAC. The communication also states that there is no record available to show that any objection was filed by Sh. Govind Saran Jhalani in respect of the payment and the objections were filed, for the first time, in the year 2016, i.e. after 15 years of the payment.

6. The submission of learned counsel for the petitioners that since no individual notices were issued under the Act to the petitioners, they did not have notice of the acquisition, cannot be accepted. The various notifications under Sections 4, 6, etc. and the award made under the Act are all gazetted precisely for the reason that public notice thereof may be given to all concerned as it may not be possible in every case to individually serve the

concerned person. The obligation of the concerned persons to take timely steps, including for reference to the Court under Section 18 of the Act does not cease merely because notice under Section 12(2) has not been individually served. Therefore, the submission that the petitioners were not aware of the making of the award, cannot be accepted.

7. Moreover, the LAC has disclosed that possession of the land was taken over on 10.07.2001. The petitioners being divested of the said land would certainly put them to notice. The respondents have disclosed that they are not in a position to answer the claim of the petitioners for compensation in view of non-availability of the relevant file since the claim was made, for the first time, after 15 years, i.e. in the year 2016. The foundation of the concept of delay and laches is the prejudice that the opposite party would be put to if it is asked to answer the claim which is highly stale. It is on account of delay and laches on the part of the petitioners in raising their claim that records are not available. The petitioners cannot take undue advantage of their own omission in preferring their claim in a timely manner. The respondents cannot be expected to answer the petitioners' claim for the absence of the record.

8. In our view, the petitioners have not been able to satisfactorily explain the delay and laches in preferring the petition. The same is, accordingly, dismissed on that ground.

VIPIN SANGHI, J

SANJEEV NARULA, J

JANUARY 13, 2020/B.S. Rohella