



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

% Date of decision: July 26, 2023

+ W.P.(C) 9796/2023, CM APPL. 37597/2023

MRS MOHINDER DUGGAL

..... Petitioner

Through: Mr. Nikhilesh Kumar, Adv.

versus

DELHI DEVELOPMENT AUTHORITY

AND ORS

..... Respondents

Through: Mr. Sanjay Kumar Pathak, SC with  
Mr. Sunil Kumar Jha, Mohd. Akhtar,  
Ms. Rini Tigga and Ms. Nidhi  
Thakur, Advs. for R-3/LAC  
Ms. Shobhana Takiar, SC with  
Mr. Kuljeet Singh, Adv. with  
Mr. Rahul, Legal Assistant for DDA

**CORAM:**

**HON'BLE MR. JUSTICE V. KAMESWAR RAO**

**HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA**

**V. KAMESWAR RAO, J. (ORAL)**

**CM APPL. 37597/2023 (for exemption)**

Exemption allowed subject to all just exceptions.

Application stands disposed of.

**W.P.(C) 9796/2023**

1. The present petition has been filed by the petitioner with the following prayers:

*"It is therefore most respectfully prayed that this Hon'ble Court may graciously be pleased to:*

*a) Issue a writ of mandamus, order(s) or direction(s), directing the Respondents to release the 1/4th compensation in terms of Right to Fair Compensation and Transparency*



*in Land Acquisition Rehabilitation and Resettlement Act, 2013 for the land bearing Kh. No. 1868/1 (0-8), 1955/1 (0-05), 1942/1 (0-10), 1962/2 (0-12), 1959 2/2 (1-08) and 1958 1/2 (0-06) totaling 3 bigha 09 biswas situated at Naraina Village, Delhi (possession taken compensation not paid) in favor of Petitioner along with interest @ 18% PA, in a time bound manner;*

*b) Issue a writ of mandamus, order(s) or direction(s), directing the Respondents to release the 1/4th compensation in terms of Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 for the land bearing Kh. No. 5 (5 Bigha), 1870/1 (0-3), 1895/1 (0-12), 1950/1 (1-13 ¾), 1957/1 (0-18), 1933/1 (0-11) totaling 7 Bigha 17 ¾ biswas situated at Naraina Village, Delhi (possession not taken compensation not paid) in favor of Petitioner along with interest @ 18% PA, in a time bound manner;*

*c) Issue a writ of mandamus, order(s) or direction(s), directing the Respondents to pay interest @ 18% PA for delayed compensation for around 28 years i.e. from 9.9.1983 till 11.4.2012, in a time bound manner;*

*d) Issue a writ of mandamus, order(s) or direction(s), directing the Respondent No.2 to pass a speaking order or make a reference to the Ld. LA Court on the application filed by the Petitioner u/s 18 of the Land Acquisition Act 1894 dated 28.10.1983 vide Diary No. 116 as well as additional application u/s 18 of the Act vide Diary No. 6997/ADM/SW dated 8.10.2012 in a time bound manner;*

*e) pass such other order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case."*

2. It is a conceded position that the land in question was acquired in the year 1959, in terms of the notification issued on November 13, 1959, under Section 4 of the Land Acquisition Act, 1894 ('Act of 1894', for short). Declaration under Section 6 of the Act of 1894, was



issued on August 10, 1962.

3. It appears that a writ petition was filed by the husband of the petitioner in the year 1963, which was decided on November 15, 1972, quashing the acquisition proceedings.

4. An Intra Court appeal was filed by the LAC, which was allowed vide order dated September 19, 1980. The Special Leave Petition filed by the husband of the petitioner was dismissed on February 13, 1984.

5. It is submitted by the learned counsel for the petitioner that, supplementary award was passed on September 19, 1983. On October 28, 1983, the husband of the petitioner sought reference under Section 18 of the Act of 1894, though no reference was made. On September 24, 1985, the husband of the petitioner sought the release of the compensation. According to the counsel, the compensation was not paid. The only explanation given by the petitioner for not claiming the compensation or to approach the Court between 1984-1999 was on account of illness of the son of the petitioner in the year 1987.

6. In any case, learned counsel for the petitioner would submit that in the year 2012, the petitioner was paid part compensation. It is the case of the petitioner and so contended by her counsel that the petitioner has been pursuing remedy before the LAC but the LAC has not paid compensation.

7. Suffice to state, the supplementary award having been passed in the year 1983; a reference was sought immediately thereafter in 1983 and even the part compensation was paid in 2012, it is too late in the day for the petitioner to seek the prayers as made in the writ petition.



8. The facts clearly demonstrate that the petition is hit by delay and laches. In this regard, we may refer to the judgment of the Supreme Court in the case of *Aflatoon v. Lt. Governor of Delhi*, (1975) 4 SCC 285 wherein it is held as under:

*“11. Nor do we think that the petitioners in the writ petitions should be allowed to raise this plea in view of their conduct in not challenging the validity of the notification even after the publication of the declaration under Section 6 in 1966. Of the two writ petitions, one is filed by one of the appellants. There was apparently no reason why the writ petitioners should have waited till 1972 to come to this Court for challenging the validity of the notification issued in 1959 on the ground that the particulars of the public purpose were not specified. A valid notification under Section 4 is a sine qua non for initiation of proceedings for acquisition of property. To have sat on the fence and allowed the Government to complete the acquisition proceedings on the basis that the notification under Section 4 and the declaration under Section 6 were valid and then to attack the notification on grounds which were available to them at the time when the notification was published would be putting a premium on dilatory tactics. The writ petitions are liable to be dismissed on the ground of laches and delay on the part of the petitioners (see *Tilokchand Motichand v. H.B. Munshi* [(1969) 1 SCC 110 : (1969) 2 SCR 824] and *Rabindranath Base v. Union of India* [(1970) 1 SCC 84 : (1970) 2 SCR 697] ).”*

9. The petition is dismissed.

**V. KAMESWAR RAO, J**

**ANOOP KUMAR MENDIRATTA, J**

**JULY 26, 2023/aky**