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

% ***Date of decision: 27th August, 2024***

+ **CM(M) 3224/2024 & CM APPL. 48720-48722/2024**

NAIDER (DECEASED) THR HIS LRPetitioner

Through: **Mr. Mittan Lal and Mr. Mohit Dharma, Advocates**

versus

UNION OF INDIA & ORS.Respondent

Through: **Mr. Sanjay Kumar Pathak, Standing Counsel with Mr. Sunil Kumar Jha & Mr. M.S. Akhtar, Advocates for R-1/UOI/LAC
Ms. Mrinalini Sen, Standing Counsel for DDA**

**CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN**

J U D G M E N T (oral)

CM APPL. 48721/2024 (exemption)

Exemption allowed, subject to all just exceptions.

CM(M) 3224/2024 & CM APPL. 48720/2024 & CM APPL. 48722/2024

1. Two brothers i.e. Niader and Khachedu filed a Reference Petition under Section 18 of Land Acquisition Act, 1984.
2. The aforesaid Reference Petition was filed way back in the year 1987.
3. During the proceedings of the above-said Reference Petition, both the petitioners died.
4. Learned Trial Court took up the matter on 06.08.2016 while considering the issue of bringing on record their legal representatives.



Niader had reportedly died on 13.03.1987. He left behind his widow and two daughters and had also allegedly executed a *Will* in favour of Ram Wati.

5. According to learned Trial Court, since Niader was the recorded owner of the land in question, no one else had any right, title or interest to execute *Will* in respect of such land and since he had executed a *Will* in favour of Ram Wati, Ram Wati was impleaded as his legal representative and rest of the applications moved on behalf of other legal representatives of Niader were dismissed.

6. The present petition has been filed by Gian Wati, who is stated to be daughter of Niader. Learned counsel for petitioner has, very fairly, admitted that when the arguments were heard by the learned Trial Court with respect to the aforesaid aspect *qua* bringing on record LR's of Niader, she was also before the learned Trial Court. It is, however, contended that she could not understand the implication of dismissal of her such request and learnt about the same only when the award was, eventually, passed.

7. It is in the aforesaid premise that present application has been moved with the prayer that said order dated 06.08.2016 may be set aside.

8. Obviously, much water has flown under the bridge.

9. The request was considered by learned Trial Court way back on 06.08.2016 when the petitioner herein was also duly represented before the learned Reference Court. For the reasons best known to the petitioner herein, no steps were immediately taken and said order was never challenged before any Court at any previous point of time.

10. It is also admitted fact that Reference Petition has already been disposed of as there is already an award passed by learned Reference Court on 15.04.2024.



11. Petitioner cannot be permitted to take shelter behind her alleged illiteracy and ignorance particularly in view of the fact that she was duly represented before the learned Trial Court when the request for impleadment was being considered.

12. There was no one to stop her from filing any petition challenging the aforesaid order dated 06.08.2016, if she was actually feeling aggrieved by such order.

13. Though there is no period of limitation fixed in context of Article 227 of the Constitution of India but the petitioner cannot be given any indulgence. Her inaction is writ large and being guilty of laches, she cannot be permitted to raise grievance after eight years, particularly when the Reference Petition has already been disposed and the award has been passed.

14. Viewed thus, I do not find any merit in the present petition. Same is accordingly dismissed.

15. This is, however, clarified that this order would not come in way of the petitioner, if she can avail any other legally permissible recourse under law.

(MANOJ JAIN)
JUDGE

AUGUST 27, 2024/dr