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

+ **W.P.(C) 11578/2017**

RAMPAT & ORS

....Petitioners

Through: None.

versus

UNION OF INDIA & ORS

.....Respondents

Through: Mr. Sanjay Kumar Pathak, SC
with Mrs. K Kaomudi Kiran,
Mr. Sunil Kumar Jha & Mr. M.
S. Akhtar, Advs. for R3&4.
Ms. Manika Tripathy, SC with
Mr. Vansh Kalra, Adv. for
DDA.

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

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29.11.2024

1. The instant writ petition has been preferred seeking the following reliefs:-

- “a. Pass a writ, order or direction in the nature of writ of declaration, thereby declaring the acquisition proceedings initiated in respect of the land of the petitioners with respect to their land i.e. 1/4 Joint Share in Khasra No. 274(4-16), 275(4-16), 276(3-16), 277(3-06), 278(1-18), 279(0-07), 280(2-16), 281(4-11), 282(0-5), 283(4-16), 284(4-16), 285(4-16), 286(5-4), 287(2-16), 288/2(1-15), 294/1(0-16), 295(4-16), 296(2-12), 297(1-08), 298(4-16), 304/2(0-10), 306(0-08), 307(3-19) AND 308(1-16), total measuring 71 Bighas and 15 biswas and being full share in 299(04-16), situated in the revenue estate of Village Kotla Mahigram, Tehsil-Mehrauli, Delhi, as deemed to have lapsed in view of the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013



- b. Pass such other or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. The petitioner essentially seeks a declaration referable to Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and the acquisition being liable to be declared as having lapsed.

3. From the disclosures which are made in the counter-affidavits filed by the Land Acquisition Collector [“LAC”] and Delhi Development Authority [“DDA”], we find that the issue itself emanates from a Notification issued on 06 April 1964 under Section 4 of the Land Acquisition Act, 1894 [“Act”] and which was followed by a declaration under Section 6 which came to be published on 07 December 1966. The Award in respect of the subject acquisition came to be rendered on 08 May 1986.

4. The LAC further discloses that the possession of the land was taken on 12 December 1996, 17 July 1987 and 05 March 1997. The said authority also alludes to the admission made in this respect and which appear in paragraph no.4.3 of the writ petition. A similar stand is taken on behalf of the beneficiary agency, namely, DDA. It discloses that it was handed over possession on the dates aforesaid and that the land itself came to be placed at its disposal in terms of a Notification dated 03 April 2002 issued under Section 22(1) of the Delhi Development Act. The LAC has also and in terms of the disclosures made in the counter affidavit provided details of the amount of compensation which was placed in revenue deposit.

5. In view of the aforesaid facts and bearing in mind the evident laches in approaching the Court, we find no justification to grant the



declaration as prayed for. We, in this regard, bear in mind the significant observations which came to be rendered by the Supreme Court in **Mahavir and Ors. vs. Union of India and Ors**¹ when it held:-

“21. The Court is duty-bound to prevent the abuse of the process of law in the cases which have been concluded several decades before, in our considered opinion, the provisions of Section 24(2) of the 2013 Act cannot be invoked in such cases of dead claims or stale claims. There are several numbers of cases coming to this Court in which matters had been contested up to this Court questioning the acquisition and the petitions have been dismissed by this Court, and acquisition has attained finality, possession was taken, the award passed. Notice had been issued under Section 12(2) of the Act tendering the awarded amount but it has not been collected by the claimants/landowners deliberately or they had refused to collect it and are not ready and willing to accept it and, thereafter, it has been deposited in the name and account of the owners in the treasury which is also deposited as per the State Government's instructions issued time to time relating to how government money is to be dealt with. The act of failure to deposit money under Section 31 after possession is taken only imposes liability to pay higher interest under Section 34. The acquisition would not lapse under the Act.

22. In our opinion, the cases in which there is deliberate action of the owners for not collecting the compensation and they do not want to receive it, Section 24(2) of the 2013 Act does not come to their rescue as provisions are to help those persons who are deprived of compensation but not for those who deliberately had not received it and litigated for decades for quashing of proceedings avoiding to receive compensation by wilful act. The failure to deposit in court under Section 31(1) in such cases would attract only interest as envisaged under Section 34 of the Act and the provisions of Section 24 cannot be so invoked in such cases.

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

¹ (2018) 3 SCC 588.



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.

25. The High Court has observed that Raisina is a part of the Lutyens zone of Delhi. It is prime locality of New Delhi and government offices, etc. are located. The petitioners asked the High Court to infer and conclude that in the absence of some indication of the record being made available by them that their ancestors have not ever received any compensation. How the petitioners came to know that their ancestors had not received compensation has not been disclosed in the petition. The High Court has rightly declined to entertain such claims. The protective umbrella of Section 24 is not available to barred claims. If such claims are entertained under Section 24, it would be very-very difficult to distinguish with the frivolous claim that may be made even after tampering the records, etc. or due to non-availability of such record after so much lapse of time. Once right had been lost due to delay and laches or otherwise, it cannot be revived under provisions of Section 24 of the 2013 Act. The intendment of the 2013 Act is not to revive stale and dead claims and in the concluded case when rights have been finally lost. If there is delay and laches or claim is otherwise barred, it is not revived under Section 24(2) of the 2013 Act. The provision does not operate to revive legally barred claims.

26. The provision of Section 24 does not invalidate courts judgments/orders in which right have been finally lost or due to inaction is barred. Law does not permit examination of barred or totally fraudulent claims. The provisions of the law cannot be permitted to be defrauded or misused. Section 24(2) of the 2013 Act cannot be invoked in such cases. The High Court has rightly declined to entertain the writ petitions filed by the petitioners. It is not conceivable how the petitioners could file such a petition in a laconic manner relating to the prime locality at New Delhi that too for hundreds of acres with the delay of more than 100 years.



27. The prayers that have been made in writ petition are not only misconceived, there is an attempt to stop the ongoing construction activity. It has also been mentioned that government offices, etc. have come up and the Government has leased property to private parties also but still, the prayer has been made to stop the construction activity. It passes comprehension how such relief could ever be asked for. No authority had ever been approached by the petitioners or by their ancestors. As such the petition is aimed at the total misuse of the process of law. Even for a moment, such a petition could not have been received for consideration.

28. We have seen in a large number of cases that the acquisition had attained finality, compensation had been tendered but not received and development had also taken place. The petitions are being filed in the courts under the provisions of Section 24(2) of the 2013 Act that they have not been paid any compensation. In fact, if there is any such grievance, they themselves are responsible for not collecting the compensation that was offered and tendered to them. The provision of Section 24 is not intended to apply and extend help in such cases.”

6. The writ petition, for all the aforesaid reasons, fails and shall stand dismissed.

YASHWANT VARMA, J.

DHARMESH SHARMA, J.

NOVEMBER 29, 2024
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