

Snehi vs Govt. Of Nct Of Delhi And Ors on 29 October, 2024

Author: Yashwant Varma

Bench: Yashwant Varma

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IN THE HIGH COURT OF DELHI AT NEW DELHI
W.P.(C) 15273/2024
SNEHI

Through:

versus

GOVT. OF NCT OF DELHI AND ORS

.....Respondent

Through: Mr. Sanjay Kumar Pathak, S
with Ms. K. Kaomudi Kiran,
Mr. Sunil Kumar Jha, Ms.
Mussarrat B. Hashmi & Ms.
Sami Sameer Siddiqui, Adv
for R -1 & 2.
Ms. Shobhana Takiar, SC wi
Mr. Prateek Dhir, Mr. Shiv
Takiar & Mr. Kuljeet Singh
Adv. for DDA.

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

% 29.10.2024 CM APPL. 64210/2024 (Ex.) Allowed, subject to all just exceptions.

Application stands disposed of.

W.P.(C) 15273/2024 & CM APPL. 64209/2024 (Interim Relief)

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

"(i) Issue a writ, order or direction in the nature of writ of certiorari thereby quashing the Public Notice dated 21.11.2012 (Annexure P-1) issued by Respondent No.1 and 2 pursuant to Notification dated 27.06.1996 issued U/sec. 4 of the Land Acquisition Act, 1894 for acquisition of land comprises of 34/ 864th share measuring 1700 square yards out of land measuring 43 Bighas and 4 Biswas comprising Khasra Nos. 1269 (4-16); 1272 This is a digitally signed order.

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QR code shown above. The Order is downloaded from the DHC Server on 15/11/2024 at 23:08:18 (4-16); 1273 (4-16); 1284 (4-16); 1285 (4-16); 1286 (4-16); 1287 (4-16); 1288 (4-16) and 1292 (4-16) situated at Ruchi Vihar in Revenue Estate of Village Rangpuri @ Malikpur Kohi Tehsil, Vasant Vihar, New Delhi;

(ii) Issue a writ, order or direction in the nature of writ of certiorari thereby quashing the Corrigendum Notice dated 08.07.2013 (Annexure P-2) issued by Respondent No.1 and 2 to the Public Notice dated 21.11.2012 for acquisition of land comprises of 34/ 864th share measuring 1700 square yards out of land measuring 43 Bighas and 4 Biswas comprising Khasra Nos. 1269 (4-16); 1272 (4-16); 1273 (4-16); 1284 (4-16); 1285 (4-16); 1286 (4-16); 1287 (4-16); 1288 (4-16) and 1292 (4-16) situated at Ruchi Vihar in Revenue Estate of Village Rangpuri @ Malikpur Kohi Tehsil, Vasant Vihar, New Delhi;

(iii) Issue a writ, order or direction in the nature of writ of certiorari thereby quashing all land acquisition proceedings initiated under Notification bearing No. F.9 (12)/95/L&B /LA/ 97 43 dated 27.06.1996 (Annexure P-3), qua the land of the petitioner comprises of 34/ 864th share admeasuring 1700 square yards out of land measuring 43 Bighas and 4 Biswas comprising Khasra Nos. 1269 (4-16); 1272 (4-16); 1273 (4-16); 1284 (4-16); 1285 (4-16); 1286 (4-16); 1287 (4-16); 1288 (4-16) and 1292 (4-16) situated at Ruchi Vihar in Revenue Estate of Village Rangpuri @ Malikpur Kohi Tehsil, Vasant Vihar, New Delhi, as deemed to have lapsed on 01.01.2014 in view of Section 24(2) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-Settlement Act, 2013;

(iv) Issue a writ, order or direction in the nature of writ of certiorari thereby quashing the demolition action dated 12.09.2024 taken against the subject property and issuing a writ of mandamus directing the Respondent No.1 to 3 to restore the subject property as it was prior to demolition action and pay damages to the petitioner for the loss caused to it;

(v) Issue a writ, order or direction in the nature of writ of mandamus thereby directing the Respondent No.1 to 3 to favourably consider the application of the petitioner dated 14.07.2020 submitted vide Registration slip (Annexure P-31) for recognition of right to subject property under PM-UDAY expeditiously; "

2. We find that there has been a complete failure on the part of the writ petitioner to provide any details with respect to when the original This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 15/11/2024 at 23:08:18 Notifications under Sections 4 or 6 of the Land Acquisition Act, 1894 may have been issued. The writ petition proceeds on the basis of a public notice dated 21 November 2012 from which we gather that a Notification under Section 4 had been issued on 27 June 1996. Contemporaneously, the respondents also appear to have invoked the powers conferred by Section 17(4) and thus, dispensed with the need for an enquiry as contemplated under Section 5A of the

Act. Although, that decision is stated to have formed subject matter of litigation before this Court and which ultimately culminated in an order passed by the Supreme Court on 21 March 2012 passed in Civil Appeal No. 3001/2012, we are presently not apprised of whether the writ petitioner was one of the petitioners before this Court or a party before the Supreme Court.

3. The challenge also has to be necessarily examined and evaluated bearing in mind the averments made by the writ petitioner in para 5 of the writ petition and which reads as follows:-

"That the Petitioner has purchased the subject property on 05.12.2008 vide Agreement to Sell, GPA, Power of Attorney, Will, Affidavit. Copy of title documents of the property of petitioner are annexed along with the present petition as ANNEXURE P-5 (Colly.)".

4. It is thus ex facie and manifestly evident that the petitioner is a subsequent purchaser, who asserts having obtained a right in the land only on 05 December 2008 and that too by way of an Agreement to Sell, General Power of Attorney, Power of Attorney, Will and Affidavit. We presently and in this connection bear in mind the decision of the Supreme Court in Suraj Lamp & Industries (P) Ltd. (2) v. State of Haryana² wherein the following was observed:-

Act (2012) 1 SCC 656 This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 15/11/2024 at 23:08:18 "16. Section 54 of the TP Act makes it clear that a contract of sale, that is, an agreement of sale does not, of itself, create any interest in or charge on such property. This Court in Narandas Karsondas v. S.A. Kamtam[(1977) 3 SCC 247] observed: (SCC pp. 254-55, paras 32-33 & 37) "32. A contract of sale does not of itself create any interest in, or charge on, the property. This is expressly declared in Section 54 of the Transfer of Property Act. (See Ram Baran Prasad v. Ram Mohit Hazra[AIR 1967 SC 744 :

(1967) 1 SCR 293] .) The fiduciary character of the personal obligation created by a contract for sale is recognised in Section 3 of the Specific Relief Act, 1963, and in Section 91 of the Trusts Act. The personal obligation created by a contract of sale is described in Section 40 of the Transfer of Property Act as an obligation arising out of contract and annexed to the ownership of property, but not amounting to an interest or easement therein.

33. In India, the word 'transfer' is defined with reference to the word 'convey'. ... The word 'conveys' in Section 5 of the Transfer of Property Act is used in the wider sense of conveying ownership.

37. ... that only on execution of conveyance, ownership passes from one party to another...."

17. In *Rambhau Namdeo Gajre v. Narayan Bapuji Dhotra* [(2004) 8 SCC 614] this Court held: (SCC p. 619, para 10) "10. Protection provided under Section 53-A of the Act to the proposed transferee is a shield only against the transferor. It disentitles the transferor from disturbing the possession of the proposed transferee who is put in possession in pursuance to such an agreement. It has nothing to do with the ownership of the proposed transferor who remains full owner of the property till it is legally conveyed by executing a registered sale deed in favour of the transferee. Such a right to protect possession against the proposed vendor cannot be pressed into service against a third party."

18. It is thus clear that a transfer of immovable property by way of sale can only be by a deed of conveyance (sale deed). In the absence of a deed of conveyance (duly stamped and registered as required by law), no right, title or interest in an immovable property can be transferred.

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19. Any contract of sale (agreement to sell) which is not a registered deed of conveyance (deed of sale) would fall short of the requirements of Sections 54 and 55 of the TP Act and will not confer any title nor transfer any interest in an immovable property (except to the limited right granted under Section 53-A of the TP Act). According to the TP Act, an agreement of sale, whether with possession or without possession, is not a conveyance. Section 54 of the TP Act enacts that sale of immovable property can be made only by a registered instrument and an agreement of sale does not create any interest or charge on its subject-matter.

20. A power of attorney is not an instrument of transfer in regard to any right, title or interest in an immovable property. The power of attorney is creation of an agency whereby the grantor authorises the grantee to do the acts specified therein, on behalf of grantor, which when executed will be binding on the grantor as if done by him (see Section 1-A and Section 2 of the Powers of Attorney Act, 1882). It is revocable or terminable at any time unless it is made irrevocable in a manner known to law. Even an irrevocable attorney does not have the effect of transferring title to the grantee.

21. In *State of Rajasthan v. Basant Nahata* [(2005) 12 SCC 77] this Court held: (SCC pp. 90 & 101, paras 13 & 52) "13. A grant of power of attorney is essentially governed by Chapter X of the Contract Act. By reason of a deed of power of attorney, an agent is formally appointed to act for the principal in one transaction or a series of transactions or to manage the affairs of the principal generally conferring necessary authority upon another person. A deed of power of attorney is executed by the principal in favour of the agent. The agent derives a right to use his name and all acts, deeds and things done by him and subject to the limitations contained in the said deed, the same shall be read as if done by the donor. A power of attorney is, as is well known, a document of convenience. ***

52. Execution of a power of attorney in terms of the provisions of the Contract Act as also the Powers of Attorney Act is valid. A power of attorney, we have noticed hereinbefore, is executed by the donor so as to enable the donee to act on his behalf. Except in cases where power of attorney is coupled with interest, it is revocable. The donee in exercise of his power under such power of attorney only acts in place of the donor subject of course to the powers granted to him by reason thereof. He cannot use the power of attorney for his own benefit. He acts in a fiduciary capacity. Any act of infidelity or This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 15/11/2024 at 23:08:18 breach of trust is a matter between the donor and the donee."

An attorney-holder may however execute a deed of conveyance in exercise of the power granted under the power of attorney and convey title on behalf of the grantor.

22. A will is the testament of the testator. It is a posthumous disposition of the estate of the testator directing distribution of his estate upon his death. It is not a transfer inter vivos. The two essential characteristics of a will are that it is intended to come into effect only after the death of the testator and is revocable at any time during the lifetime of the testator. It is said that so long as the testator is alive, a will is not worth the paper on which it is written, as the testator can at any time revoke it. If the testator, who is not married, marries after making the will, by operation of law, the will stands revoked. (See Sections 69 and 70 of the Succession Act, 1925.) Registration of a will does not make it any more effective.

23. Therefore, an SA/GPA/will transaction does not convey any title nor creates any interest in an immovable property. The observations by the Delhi High Court in *Asha M. Jain v. Canara Bank* [(2001) 94 DLT 841], that the "concept of power-of-attorney sales has been recognised as a mode of transaction" when dealing with transactions by way of SA/GPA/will are unwarranted and not justified, unintentionally misleading the general public into thinking that SA/GPA/will transactions are some kind of a recognised or accepted mode of transfer and that it can be a valid substitute for a sale deed. Such decisions to the extent they recognise or accept SA/GPA/will transactions as concluded transfers, as contrasted from an agreement to transfer, are not good law.

24. We therefore reiterate that immovable property can be legally and lawfully transferred/conveyed only by a registered deed of conveyance. Transactions of the nature of "GPA sales" or "SA/GPA/will transfers" do not convey title and do not amount to transfer, nor can they be recognised or valid mode of transfer of immovable property. The courts will not treat such transactions as completed or concluded transfers or as conveyances as they neither convey title nor create any interest in an immovable property. They cannot be recognised as deeds of title, except to the limited extent of Section 53-A of the TP Act. Such transactions cannot be relied upon or made the basis for mutations in municipal or revenue records. What is stated above will apply not only to deeds of conveyance in regard to freehold property but also to transfer of leasehold property. A lease can be validly transferred only under a registered assignment of lease. It is time that an end is put to the This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 15/11/2024 at 23:08:18 pernicious practice of SA/GPA/will transactions known as GPA sales."

However, we need not render any definitive findings in this respect, since it may ultimately prejudice the claim which the petitioner raises in terms of a document which stands placed at Annexure P-30 of our record.

5. The document to which our attention was drawn appears to relate to an exercise for regularization of unauthorized colonies undertaken by the respondents. However, that order dated 13 December 2019 makes qualifications in respect of persons who may assert coverage under that scheme or claim benefits thereunder. This becomes evident from a reading of Notes I, II and III which are extracted hereinbelow:-

"Note-I: The above directions/order shall be subject to the orders/ directions and judgments of the competent court (s) and would be subject to the final outcome of any legal proceedings which have not attained finality including the final decision of the Constitution Bench of Hon'ble Supreme Court of India in the pending reference relating to the provisions of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act. 2013.

Note-II: Nothing in this order/direction shall apply to such cases where the compensation has been paid to the persons interested or deposited under section 30 and / or 31 of the Land Acquisition Act, 1894 by the Land Acquisition Collector pursuant to the land acquisition proceedings.

Note-III: Nothing in this order/direction shall apply to lands excluded under Clause 7 of National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies) Regulations, 2019 notified by the DDA."

The petitioner, however, fails to lay any foundation in the writ petition which may establish whether it would fall within those exceptions or stand excluded from consideration and fail to meet the criteria of This is a digitally signed order.

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6. Reverting then to the challenge which stands raised to the original acquisition itself, and bearing in mind the fact that the Notification under Section 4 was issued on 27 June 1996 followed by a public notice issued on 21 November 2012 coupled with the fact that the petitioner of its own admission acquired interest only post acquisition, we find absolutely no justification to consider granting prayers (i) to (iii) as sought.

7. We bear in mind the following pertinent observations that came to be rendered by Supreme Court in Mahavir and Ors. vs. Union of India and Ors.³. Dealing with the assertion of stale claims and in the context of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013⁴, the Supreme Court in Mahavir had held as follows:

"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.

(2018) 3 SCC 588 2013 Act This is a digitally signed order.

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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 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 This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 15/11/2024 at 23:08:19 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."

8. Following, the aforesaid view as expressed and in a string of decisions rendered thereafter, a Division Bench of this Court in Baldev Singh and Ors. vs. Union of India and Ors⁵ had held:

2020 SCC OnLine Del 1752 This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 15/11/2024 at 23:08:19 "11. The Supreme Court has dealt with the issue of delay and laches in Mahavir v. Union of India, (2018) 3 SCC 588, in the context of the 2013 Act. The said judgment is unambiguous in emphasising that claims where there is total inaction are not meant to be revived by the 2013 Act.....

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12. The aforesaid Judgment has been considered by the Supreme Court in the decision of Indore Development Authority v. Shailendra reported at (2018) 3 SCC 412, relevant portion of which is reproduced hereinunder:--

"128. In our considered opinion section 24 cannot be used to revive the dead or stale claims and the matters, which have been contested up to this Court or even in the High Court having lost the cases or where reference has been sought for enhancement of the compensation. Compensation obtained and still it is urged that physical possession has not been taken from them, such claims cannot be entertained under the guise of section 24(2). We have come across the cases in which findings have been recorded that by which of drawing a Panchnama, possession has been taken, now again under Section 24(2) it is asserted again that physical possession is still with them. Such claims cannot be entertained in view of the previous decisions in which such plea ought to have been raised and such decisions would operate as res judicata or constructive res judicata. As either the plea raised is negatived or such plea ought to have been raised or was not raised in the previous round of litigation. Section 24 of the Act of 2013 does not supersede or annul the court's decision and the provisions cannot be misused to reassert such claims once over again. Once Panchnama has been drawn and by way of drawing the Panchnama physical possession has been taken, the case cannot be reopened under the guise of section 24 of Act of 2013.

129. Section 24 is not intended to come to the aid of those who first deliberately refuse to accept the compensation, and then indulge in ill-advised litigation, and often ill- motivated dilatory tactics, for decades together. On the contrary, the section is intended to help those who have not been offered or paid the compensation despite it being the legal obligation of the acquiring body so to do, and/or who have been

illegally deprived of their possession for five years or more; in both the scenarios, fault/cause not being attributable to the landowners/claimants.

130. We are of the view that stale or dead claims cannot be the subject-matter of judicial probing under section 24 This is a digitally signed order.

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(emphasis supplied)

13. This Court has also dealt with the issue of delay and laches in the case of Mool Chand v. Union of India (W.P. (C) 4528/2015) dated 17th January 2019, wherein the Court while elaborating the decision of Mahavir v. Union of India, (2018) 3 SCC 588 and Indore Development Authority v. Shailendra, (2018) 3 SCC 412, on the aspect of delay and laches, made the following observations:

"34. The question then arises whether only the points of difference between the decisions in Pune Municipal Corporation (supra) and Indore Development Authority v. Shailendra (supra) and all issues incidental thereto have been referred to the Constitution Bench? In this context it requires to be noted that although several questions were framed in Indore Development Authority v. Shailendra (supra), it is only on Question I, viz., on whether the deposit in the RD Account would amount to having tendered compensation for the purposes of Section 24 (2) of the 2013 Act, that there was a difference of opinion between the view expressed in the two decisions viz., Pune Municipal Corporation (supra) and Indore Development Authority v. Shailendra (supra).

35. The other point of difference was that arising in Yogesh Neema v. State of MP (supra) where the correctness of the decision in Sree Balaji Nagar Residential Association v. State of Tamil Nadu (supra) as regards exclusion of the period covered by the interim orders from the calculation of the period of five years under Section 24 (2) of the 2013 Act was questioned. On this point the three-Judge Bench in Indore Development Authority v. Shailendra (supra) unanimously overruled the decision in Sree Balaji Nagar Residential This is a digitally signed order.

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36. Relevant to the issue on hand, there was no difference of view qua Question III addressed in Indore Development Authority v. Shailendra (supra) i.e. "Whether section 24 of Act of 2013 revives barred and stale claims?" On this question there was no view (much less a contrary view) expressed in Pune Municipal Corporation (supra) or for that matter in any other subsequent decision of a smaller, co-ordinate or even larger Bench of the Supreme Court. This question, therefore, was not the subject matter of reference before the Constitution Bench.

37. Consequently, this Court is of the view that although the order passed by the Constitution Bench refers to "all the aspects" being considered by the Constitution Bench, that expression would not include questioning the correctness of the decision of the three-Judge Bench in Indore Development Authority v. Shailendra (supra) as far as it holds by a unanimous opinion that Section 24 (2) of the 2013 Act cannot revive old and stale claims."

(emphasis supplied)

14. Similar orders have been passed in several other cases, such as in the case of Sushma Purthi v. Union of India (W.P. (C) 586 of 2016) dated 31st January 2019, Krishan v. Union of India (W.P. (C) 4919 of 2014) dated 25th January 2019, Mohd. Mian v. Union of India (W.P. (C) 2702/2019) dated 5th February 2019. The aforementioned cases have been dismissed by this court on the ground of delay and laches. Challenge against these judgments have been dismissed by the Supreme Court vide SLP (C) No. 11481/2019, SLP (C) No. 13423/2019 and SLP (C) No. 8848/2019, respectively.

15. Thus, in view of the foregoing discussion, the present petition is not maintainable on merits as well on the ground of delay and laches. Accordingly, the present petition is dismissed. Interim orders stand vacated."

9. We consequently find no justification whatsoever to entertain the writ petition for reliefs which are claimed and form part of clauses

(i), (ii) and (iii). We are of the firm opinion that the petitioner is clearly not entitled to assail or question the acquisition which was This is a digitally signed order.

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10. However, and in so far as the prayer for regularization is concerned, the same may be duly examined by the competent authority, subject to due verification and all contentions on merits being kept open. Subject to the aforesaid observation, the writ petition shall stand disposed of.

11. We, however, provide that if any action is taken by the respondents of the nature which is alluded to in para 35 of the writ petition, the same would be subject to due verification of the applications which the writ petitioner is stated to have made for the purposes of regularization of possession in accordance with the scheme which has been relied upon. All rights and contentions of respective parties in that respect are kept open.

YASHWANT VARMA, J.

RAVINDER DUDEJA, J.

OCTOBER 29, 2024 sk This is a digitally signed order.

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