

Jagmal Singh vs Union Of India & Anr on 25 January, 2019

Author: S.Muralidhar

Bench: S.Muralidhar, Sanjeev Narula

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 8128/2017

JAGMAL SINGH

.... Petitioner

Through: Mr. Abhay Kumar, Advocate.

versus

UNION OF INDIA & ANR

..... Respondents

Through: Mr. Sachin Nawani, Advocate for
Respondent No. 1.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

% 25.01.2019

1. The prayer in this petition reads as under:

"It is, therefore, respectfully prayed that this Hon Court may be pleased to issue a writ / order / direction in the nature of certiorari calling for the records of the acquisition proceedings with respect to the lands comprised in Khasra Number. 510 (8-05), 526 (3-

18), 527 (2-11) and 528 (4-01) situated in the revenue estate of village Karkardooma, Delhi acquired vide Award No. 54A/1970- 71 pronounced on 30.3.1970 and further to pass appropriate writ, order or directions declaring the acquisition proceedings to have lapsed and have become inoperative under sec.24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act of 2013 as neither possession of the lands of the petitioner have been taken nor compensation with respect to lands have been paid.

Award cost of proceedings to the humble petitioner."

2. According to the narration in the petition, the notification under Section 4 of the Land Acquisition Act, 1894 ('LAA') was issued way back on 13th November, 1959 followed by declaration under Section 6 of the LAA dated 14th June, 1966 and an Award on 30th March, 1970.

3. Thereafter, the only direction of Petitioner is about the enactment of the 2013 Act and its coming into force on 1st January, 2014.

4. There is an inordinate unexplained delay in approaching the Court.

5. In the counter affidavit filed by the LAC on 26th February, 2018, it is stated in paras 7 and 8 as under:-

"7. That as per the records, the land bearing Khasra No. 510(8-05), 5055/526/1(3-06), 5057/528/1(3-06), 5056/526/2(0-

12) and 5058/528/2(0-14) situated at the revenue estate of village Karkardooma, Delhi were notified under section 4 of the Land Acquisition Act on 13.11.1959 followed by declaration under section 6 of Land Acquisition Act on 14.6.1966 for public namely for Planned Development of Delhi. In pursuance of said notification, notices under section 9 & 10 of the Act, were issued to the interested persons, inviting the claims from all the interested persons and claims were also filed by the interested persons. The then Land Acquisition Collector passed Award No. 54A/1969-70 dated 7.1.1971 after considering the claims of the claimants.

8. The possession of the land in question has been taken over and handed over to the beneficiary, Delhi Development Authority on 15.1.1971."

6. The payment details have been set out in para 10.

7. No rejoinder has been filed to the said counter affidavit till date.

8. This Court has following the decisions in Mahavir v. Union of India (2018) 3 SCC 588, dismissing the petitions on ground of laches. The question of possession and compensation has also been dismissed. No rejoinder has been filed by the Petitioner.

9. The petition is dismissed both on the ground of laches as well as on merits.

S.MURALIDHAR, J SANJEEV NARULA, J JANUARY 25, 2019/ss