

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1116 OF 2004

MAHINDER SINGH TYAGI & ORS.

Appellant (s)

Versus

UNION OF INDIA & ORS.

Respondent (s)

WITH CIVIL APPEAL NO. 1117 OF 2004

WITH CIVIL APPEAL NO. 1118 OF 2004

WITH CIVIL APPEAL NO. 1119 OF 2004

O R D E R

These appeals are directed against the judgment and order dated 21.12.2000 and passed by the Delhi High Court dismissing the Civil Writ Petition of the appellants herein. The Court dismissed the petition on the ground that the acquisition proceedings were complete with the issuance of the Notification under Section 6(4) and also under Section 6 of the Land Acquisition Act (For short "the Act") and particularly because of the fact that the appellants had received compensation for their acquired land in terms of the Award. A challenge was made by the appellants in the Writ Petition to the Notifications issued under Section 4 of the Act issued on 25.11.1980 and under Section 6 of the Act which was issued on 18.6.1985.

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The Award in the proceedings was passed by the Collector in August/September 1987. It is pointed out by the learned counsel appearing for the appellants that initially the appellants filed a Writ Petition in the Delhi High Court challenging the Notification under Section 4 of the Act in the year 1984 but they withdrew the same in view of the fact that Section 6 Notification was not issued by the competent authority till then. It is further pointed out that subsequent to the withdrawal of the Writ Petition by the appellants, an award was passed and the appellants received compensation for the acquired

land as per the Award.

Ultimately in the year 1994 a Writ petition was filed by the appellants on the ground that the aforesaid two notifications under Sections 4 & 6 of the Act respectively are illegal and without jurisdiction. A similar challenge was made to the said notifications, by some other persons similarly situated with the appellants herein, which was dismissed by the High Court of Delhi as against which, appeals were filed before this Court which were taken as a batch matter by this Court. By the Judgment and order dated 8.2.2010 all the aforesaid appeals filed against the judgment and order of the Delhi High Court were dismissed by the Division Bench of this Court holding thus :

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"92. Impugned orders passed by the High Court from time to time would reveal that some have been dismissed primarily on the ground of delay and laches. We have gone through the said orders critically and find that if the appellants were under some bona fide mistake and had not challenged the issuance of notifications or declarations under Section 6 of the Act within a reasonable time then on the ground that there was an eclipse period during which they were not supposed to take any legal action, would be of no help to them. For that they have to thank their own stars. Some of the petitions have been filed either in the year 2000 or subsequent thereto. Thus, the High Court was justified in not entertaining such petitions on the ground of delay and laches. Even though, they have tried to attempt to explain the delay but such a long delay cannot be condoned more so, when proceeding of acquisition was initiated in the year 1980.

93. It may be recalled that notifications were issued in the year 1980. Almost 30 years have already passed by, but, no steps could be taken to formally complete the scheme so far. Thus, after such a long lapse of time, it will not only be harsh but inequitable also to quash the notifications so as to grant liberty to the appellants to challenge the same in accordance with law".

The present appeals also involve similar facts and also similar issues. Notifications issued under Sections 4 and 6 of the Act in the present case are also the same as those challenged

Ms.Sadhana Sandhu,Adv.
Ms.Anil Katiyar,Adv.

Mr.Vishnu B.Saharya,Adv.
M/S Saharya & Co. ,Adv

Mr. D.S. Mahra,Adv.
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UPON hearing counsel the Court made the following
O R D E R

The appeals are dismissed in terms of the signed order.

(KUSUM SYAL)
SR.PA

(RENU DIWAN)
COURT MASTER

(Signed Order is placed on the file)