

PUBLIC GRIEVANCES COMMISSION
(Govt. of NCT of Delhi)
M-Block, Vikas Bhawan, IP Estate, New Delhi – 110110
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Order under Para 2(B) of the PGC Resolution No F.4/14/94-AR dated
25.9.97

Date of hearing: 20.02.2020

Complainant : Shri Govind Saran Jhalani – Present.

Respondent : District Magistrate (Central),
Revenue Department, GNCTD
Through Sh. Niraj Kumar, AAO – Present.

Grievance No. : PGC/2019/Annex.II/Rev./03

1. Brief facts of the case

1.1 Govind Saran Jhalani has filed a grievance petition before this Commission on 13.2.2019, aggrieved by non-payment of compensation determined in the Award No.05/DC/N/2001-2002 dated 20.6.2001 for acquisition of land for Metro Station, Pul Bungash, Village Delhi Patti by the Land Acquisition Collector, Central District.

2. Facts emerged during the proceedings.

2.1 Shri Niraj Kumar, AAO on behalf of LAC/ADM(Central), GNCT of Delhi filed an action taken report. It is stated that “*The complainant had filed a Writ Petition No.2425/2018 which was dismissed as withdrawn with the liberty to file afresh with explanation for the delay in approaching the Court.*”

Further, the complainant again filed a Writ Petition No.11214/2019 in the Hon’ble High Court of Delhi. The same was also dismissed vide order dated 13.01.2020 by the Hon’ble Division Bench of High Court.”

It was further stated by the representative of LAC/ADM(Central) that Land Acquisition Collector had filed counter-affidavit in the Hon’ble High Court of Delhi in WP(C) No.2425/2018 clarifying the position of payment of the acquired land to the occupants which is reproduced as under:-

“That the present writ petition is liable to be dismissed as the lands of Village Delhi Patti, Pul Bangash, Delhi had fallen within the boundaries of Abadisahar, Delhi Patti whereby the compensation used to be paid on the basis of occupation of respective share/properties and not on the basis of revenue records. It is submitted that the petitioners were never in occupation of any properties including the properties bearing No. 8707 & 8711 and the compensation so assessed was duly paid to the respective owner/occupants who were found to be on occupation of the properties including the properties No.8707 & 8711.”

Furthermore, that the Hon'ble High Court of Delhi vide its order dated January 13, 2020 in WP(C) 11214/2019 (CM No.46117/2019) “Ashok Pratap Singh Vs. Anr” observed that the “Petitioners had earlier preferred WP(C) No.2425/2018 which was withdrawn with liberty to file a fresh petition with appropriate explanation for the delay in approaching the Court. Thereafter, the present petition has been preferred.

It was observed further by the Hon'ble Court that “..LAC has disclosed that possession of land was taken over on 10.07.2001. The petitioners being divested of the said land would certainly put them to notice. The respondents have disclosed that they are not in a position to answer the claim of the petitioners for compensation in view of non-availability of the relevant file since the claim was made, for the first time, after 15 years, i.e. in the year 2016. The foundation of the concept of delay and laches is the prejudice that the opposite party would be put to if it is asked to answer the claim which is highly stale. It is on account of delay and laches on the part of the petitioners in raising their claim that records are not available. The petitioners cannot take undue advantage of their own omission in preferring their claim in a timely manner. The respondents cannot be expected to answer the petitioners' claim for the absence of the record.”

Hence, the Hon'ble High Court of Delhi dismissed the petition on the ground that the "*petitioners have not been able to satisfactorily explain the delay and laches in preferring the petition.*"

2.2 The representative appearing for LAC/ADM(Central) assured that legible copy of the FIR No.0207 from the concerned police station in respect of Award No.3 and other revenue document, as requested by the complainant, would be provided to him. The respondent department will also make efforts to trace the concerned land revenue records and provide the same for payment of compensation to the occupiers of the land.

3. **Directions:**

3.1 In view of the submissions made by the representative of the respondent department and the directions passed by the Hon'ble High Court of Delhi in the said matter, it appears that there is no merit in the instant case of the complainant in this Commission. The complainant is advised to seek legal remedy by filing an appeal before the appropriate court in respect of his claim, if he so wishes.

3.2 The case stands disposed in this Commission in view of the above observations.

(ASHOK KUMAR)
CHAIRMAN(PGC)

PGC/2019/Annex.II/Rev./03

Dated:

Copy to:

1. Shri Nidhi Srivastava, District Magistrate (Central), Revenue Department, Govt. of NCT of Delhi, 14, Darya Ganj, New Delhi-110002.
2. Shri Shinde Deepak Arjun, District Magistrate(North), Revenue Department, Govt. of NCT of Delhi, DM Office Complex, BDO Block, Alipur, Delhi-110 036.
3. ADM/LAC(Central), GNCT of Delhi, D.C.(Central) Office Complex, 14, Darya Ganj, New Delhi.
4. Dy.Secretary(LA), GNCT of Delhi, Land & Building Department (Land Acquisition Branch), A-Block, Vikas Bhawan, I.P. Estate, New Delhi.
5. Shri Govind Saran Jhalani.

