
(2010) 03 DEL CK 0347
In the Delhi High Court
Case No : C.M. (Main) No. 1659 of 2007

Bhoondey	Vs	APPELLANT
Union of India (UOI)		RESPONDENT

Date of Decision : 22-03-2010

Acts Referred:

Constitution of India, 1950 — Article 226, 227
Land Acquisition Act, 1894 — Section 28A

Citation : (2010) 03 DEL CK 0347

Hon'ble Judges : S.N. Dhingra, J

Bench : Single Bench

Advocate : Vipin K. Singh, for the Appellant; Sanjay Poddar and Sandeep Anand, for the Respondent

Final Decision : Dismissed

Judgement

Shiv Narayan Dhingra, J.—The petitioner has filed this petition under Article 227 of Constitution of India with a prayer that this Court should give directions to the respondent/Union of India (Land Acquisition Collector) to dispose of application of the petitioner filed u/s 28-A of Land Acquisition Act.

2. As per the averments made in the petition, the petitioner made an application u/s 28-A of Land Acquisition Act on 8th July, 1987 vide diary No. 639. His contention is that this application was not decided and he filed C.M. (M) No. 544 of 1999. This petition was dismissed in default on 9th September, 2003. He made an application for restoration which was not pressed by him on the ground that the cause of action for filing a fresh petition was still available with him. The application for restoration was dismissed on 4th December, 2007 therefore, he has filed the present petition.

3. I consider that the present petition is a gross misuse of judicial process. Neither Land Acquisition Collector nor Union of India is a court/tribunal subordinate to High Court where High Court can exercise its supervisory power under Article 227. The petition is misconceived. Secondly, this petition is liable to

be dismissed on the ground of delay and laches. The petitioner allegedly filed his application in the year 1987. Till year 1999, he kept on sleeping and thereafter, he filed a C.M. (M) i.e. a petition under Article 227, which he did not prosecute.

4. A Division Bench of this Court in Om Prakash Vs. Union of India (UOI), in a writ petition under Article 226 being W.P. (C) No. 7292 of 2003 observed that where there was no explanation at all anywhere as to what the petitioner was doing for such a long time, the writ petition has to be held barred by laches. In Om Prakash's case (supra), the petitioner approached the court after period of 8 1/2 years. In the present case, the petitioner has approached the court initially after more than 12 years and the present petition has been filed after 22 years of the alleged application.

5. I find that this petition is not entertainable on both the grounds and is hereby dismissed.