

Bhoondey Vs. Union of India (Uoi)

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Court : Delhi

Decided On : Mar-22-2010

Judge : Shiv Narayan Dhingra, J.

Acts : Land Acquisition Act - Section 28A; ;[Constitution of India](#) - Articles 226 and 227

Appeal No. : C.M.(Main) No. 1659 of 2007

Appellant : Bhoondey

Respondent : Union of India (Uoi)

Advocate for Def. : Sanjay Poddar and; Sandeep Anand, Adv.

Advocate for Pet/Ap. : Vipin K. Singh, Adv.

Disposition : Petition dismissed

Judgement :

Shiv Narayan Dhingra, J.

1. 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 under Section 28-A of Land Acquisition Act.

2. As per the averments made in the petition, the petitioner made an application under Section 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 sub-ordinate 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 v. Union of India : 2006 (132) DLT 677 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.