

Sr. No.	Date	Orders
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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CW 5517/2003

NARAIN SINGH ..... Petitioner  
Through Mr. Deepak Khosla

versus

UOI ..... Respondent  
Through Mr. Sanjay Poddar with Mr. Sachin Nawani

**CORAM:**  
**HON'BLE THE CHIEF JUSTICE**  
**HON'BLE MR. JUSTICE A.K.SIKRI**

**ORDER**

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**01.09.2003**

Petitioner has come out with the case that though he made an application for reference under Section 18 on 2.3.1981, the reference has not been made. It may be noted that xerox copy of unsigned document indicating no proof of receipt is produced on record. Such application cannot be looked into considering the delay. Even in the year 1996, i.e. after long delay, application was made for forwarding the reference to the Reference Court. It is a case of the petitioner's that no action was taken, yet they remained quiet and calm. Many other people approached the Forum in

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accordance with law and they got the benefit. There is no satisfactory material on the record to indicate that application for reference was made by these petitioners. Petitioners have come to the Court after 22 years and the writ jurisdiction cannot be exercised when petitioners are found sleeping over their rights. They have woken up only after decision of the Reference Court in some other cases. In view of the amendment in the Land Acquisition Act, 1894 (Hereinafter referred as the Act), after the decision of the Reference Court, it was open for the petitioner to approach the authorities within the time stipulated in Section 28A. But that exercise is not done.

Apex Court in (1996) 6 SCC 445 titled as STATE OF RAJASTHAN & OTHERS VS. D.R. LAXMI AND OTHERS, has referred therein the "Administrative Law" by H.W.R. WADE (7<sup>th</sup> edition) at page nos. 342-43, thus :-

"The truth of the matter is that the court will invalidate an order only if the right remedy is sought by the right person in the right proceedings and circumstances. The order may be hypothetically a nullity, but the court may refuse to quash it because of the plaintiffs lack of standing, because he does not deserve a discretionary remedy, because he has waived his rights, or for some other legal reason. In any such case the 'void' order remains effective and is, in reality, valid. It follows that an order may be void for one purpose and valid for another; and that it may be void against one person but valid against another. A common case where an order, however void,

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		<p>becomes valid is where a statutory time limit expires after which its validity cannot be questioned. The statute does not say that the void order shall be valid; but by cutting off legal remedies it produces that result."</p> <p><b>We therefore dismiss this petition.</b></p> <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="text-align: center;"> <p><b>SEPTEMBER 01, 2003</b> <b>PC.</b></p> </div> <div style="text-align: center;">   <b>CHIEF JUSTICE</b>    <b>A.K. SIKRI, J</b> </div> </div>