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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 12961/2019**

MS/ MORARI TRACOM PVT. LTD. THROUGH ITS DIRECTOR

..... Petitioner

Through: Ms. Shikha Sapra and Mr. Karan Mahla, Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondent

Through: MR. Abhinav RAGHUVANSHI,
Adv. for UOI.
Mr. Jamal Akhtar, Advocate for
GNCTD for respondent Nos. 2 and 3.
Mr. Pawan Mathur, Adv. for DDA.
Mr. Yeeshu Jain with Ms. Jyoti
Tyagi, Advs. for LAC.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

09.12.2019

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C.M. No. 52846/2019

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 12961/2019 and C.M. No. 52844/2019

The petitioner had earlier preferred a writ petition No. 6110/ 2016.
The same had been disposed of on 29.01.2019 by the following order;

1. The prayer in this petition reads as under:

“a) Issue a writ of certiorari and/or any other writ, order or direction of the similar nature declaring the entire acquisition along with Award No. 2179 announced on 13.11.1968 with respect to the land of the Petitioner bearing Khasra Nos. 443 & 443/1, with total measuring 500 sq. yds. now numbered as Plot No. 30-C, Bloek-D, Gali No.3, Dayanand Block, Shakarpur, New Delhi-92, situated in the area of village Mandawali Fazalpur, Delhi-92; having been lapsed; and

b) Pass any other order or writ or direction as this Hon’ble Court may deem fit and proper in the facts and circumstances of the present case.”

2. According to the narration in the petition, the notification under Section 4 of the Land Acquisition Act, 1894 (‘LAA’) was issued on 13th November 1959 followed by declaration under Section 6 LAA on 18th March 1966. The impugned Award No.2179 was passed way back on 13th November 1968.

3. This Court has in a series of orders following the judgment of the Supreme Court in Mahavir v. Union of India (2018) 3 SCC 588 dismissed similar matters on account of delay and laches. In that view of the matter, learned counsel for the Petitioner seeks leave to withdraw this petition with liberty to file a fresh petition properly explaining the inordinate delay in approaching the Court for relief.

4. Dismissed as withdrawn with liberty as prayed for. The interim order dated 18th June 2016 as confirmed on 23rd April 2018 hereby stands vacated.

Learned counsel for the petitioner submits that reliance placed by the Division Bench on ***Mahavir*** (supra) was misplaced. This submission cannot be advanced and considered by this Court in the present writ petition.

Learned counsel for the petitioner, therefore, seeks leave to withdraw

the present writ petition with liberty to either assail the order dated 29.01.2019 before the Supreme Court in a Special Leave Petition or by preferring a review petition.

Dismissed as withdrawn with liberty as prayed for.

However, we make it clear that we have not considered the aspect of limitation, if any, in preferring the said remedies.

VIPIN SANGHI, J

REKHA PALLI, J

DECEMBER 09, 2019

N.Khanna