

\$~

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

36

+ **W.P.(C) 235/2017**

PHOOLWATI GUPTA & ORS.

..... Petitioners

Through: Mr S.K. Rout and Mr Aman
Mehrotra, Advocates.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr Abha Malhotra and Mr Gaurav
Rohilla, Senior Standing Counsel for
UOI with Mr Abhishek Kamal,
Advocates.
Mr Pawan Mathur, Standing Counsel
for DDA.
Mr Yeeshu Jain, Standing Counsel for
L&B.LAC with Ms Jyoti Tyagi,
Advocates.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

%

18.07.2019

1. The prayers in the petition read as under:

- “1. Issue a Writ of Certiorari or any other Writ of like nature declaring that the land acquisition proceedings under Award no. 7/1969 dated 26/07/1969 of Khasra no. 49 (1-17-10), Khasra no. 51 (2-4), Khasra no. 53 (3-16), Khasra no. 54 (0-10), Khasra no. 56 (1-10), Khasra 56 no. (3-9), Khasra no. 57 (0-10), Khasra no. 58 (0-14), Khasra no. 59 (0-6), Khasra no. 60 (0-7), Khasra no. 61 (2-5), Khasra no. 66 (1-0), Khasra no. 151 (0-12), Khasra no. 236 /2/2 and 236/3 (3-12) and 239 (0-8) measuring total of 23 Bigha ½ Biswa located in Shakarpur Khas Illaqa, Shahdara, Delhi in favor of Late Shri Jawahar Lai Gupta (subject land) to be declared as lapsed under

Section 24(2) of New Act "Right to Fair Compensation and Transparency in Land Acquisition, rehabilitation and Resettlement Act, 2013 as well as Under Section II-A(I) under Land Acquisition Act, 1894, the land may be ordered to be returned under Section 101 of New Act or market rate compensation may be given. ”

2. The narration in the petition reveals that 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. 7/1969 was passed on 26th July, 1969. There is no explanation in the petition for the inordinate delay in approaching the Court for relief.

3. This Court has in a series of orders including *Mool Chand v. Union of India 2019(173) DRJ 595[DB]* followed the judgment of the Supreme Court in *Mahavir v. Union of India (2018) 3 SCC 588* and dismissed similar petitions on the ground of laches.

4. In that view of the matter, learned counsel for the Petitioner seeks liberty to withdraw this petition with liberty to file a fresh petition giving the proper explanation for inordinate delay by the Petitioner in approaching the Court for relief.

5. The petition is dismissed as withdrawn with liberty as prayed for.

S. MURALIDHAR, J.

TALWANT SINGH, J.

JULY 18, 2019/rd