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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 219/2018 & CM APPL. 27319/2018**

TRILOKPURI SAI DHAM MANDIR TRUST (REGD) Petitioner

Through: Mr. Avadh Kaushik, Advocate.

versus

GOVERNMENT OF NCT OF DELHI & ORS Respondents

Through: Ms. Mini Pushkarna, Standing
Counsel for R-4/DUSIB.
Ms. Swagata Bhusan and Ms. Shiva
Pandey, Advocates.
Mr. Yeeshu Jain and Ms. Jyoti Tyagi,
Advocates for LAC/L&B.

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE SANJEEV NARULA

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ORDER
17.01.2019

1. The prayers in this petition read as under:

“(i) A Writ, order or directions in the nature of certiorari directing the Respondents to produce the relevant revenue record and peruse the same;

(ii) A Writ, order or direction in the nature of mandamus thereby declaring that the petitioner's demised land bearing Khasra No. 334/80min (7 biswa) (the Demised Land) at village- Chilla Saroda Bangar, revenue estate Shahdara, Delhi now known as Mayur Vihar Phase-I, New Delhi-110091 and 'Sai Dham Mandir' temple building situated thereon is protected under the provisions of Section 24 (2) of the Right to Fair Compensation and

Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 inasmuch as after land acquisition notification more than 45 years ago, neither possession of the demised land was taken over nor any compensation was received by the land owners and thus, the acquisition notification qua the demised land has already been lapsed;

(iii) A Writ, order or directions in the nature of mandamus thereby quashing and setting aside the respondents' proposed action of disturbing and dispossessing the petitioner from the demised land and commanding them not to demolish the petitioner's temple building situated on the aforesaid land;

(iv) A Writ, order or direction in the nature of mandamus commanding and directing the respondents to record and register the petitioner's name in the concerned revenue record and mutate the aforesaid land in the name of the petitioner-trust;

(v) Pass any other order or direction, as this Hon'ble Court deem fit and proper under the facts and circumstances of the case and in the interest of justice.”

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 and a declaration under Section 6 of LAA was issued on 20th June 1966. The Award was passed way back on 23rd March 1977. No explanation has been offered in the petition for the inordinate delay in approaching the Court for relief.

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.

4. 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.

5. The petition is dismissed as withdrawn with liberty as prayed for. The interim order dated 9th January 2018 which was confirmed on 10th April 2018 stands vacated. The application is dismissed.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 17, 2019/nk