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

+ **W.P.(C) 296/2018**

SEWA SADHANA SAMITI

..... Petitioner

Through: Mr. Vishnushree Dalmia & Mr. Sumit Bansal, Advocates

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr. Vijay Joshi, Sr. panel counsel for Respondent No.1/UOI

Mr. Dhanesh Relan, Standing counsel with

Ms. Mrinalini Sharma, Advocates for

Respondent/DDA

Ms. Astha Tyagi, Advocate for Respondent/LAC/
L & B

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

% **28.01.2019**

1. The prayers in the petition read as under:

“a) pass a writ, order or direction In the nature of a writ of declaration, declaring the acquisition proceedings Initiated In respect of the land of the petitioner, forming part of Khasra nos. 346 (0-16), 348 (02-05), 352 (01-19), 353 (01-03), 354 (02-06), 355 (04-12), 356 (02-03), 358 (04-03) and 361 min (02-09) total admeasuring 21 bighas 16 biswas and Khasra nos. 361 min (1-12), 362 (5-12) and 363 (1-19) total admeasuring 09 bighas 03 biswas situated in the revenue estate of village Shayoorpur, New Delhi, as deemed to have lapsed In view of the provisions of The Right to Fair Compensation and Transparency In Land Acquisition, Rehabilitation and Resettlement Act, 2013;

b) further pass a writ, order or direction in the nature of a writ of mandamus thereby directing the respondents not to Interfere In the enjoyment and peaceful possession of the land forming part of Khasra nos. 346 (0-16), 348 (02-05), 352 (01-19), 353 (01-03), 354 (02-06), 355 (04-12), 356 (02-03), 358 (04-03) and 361 min (02-09) total admeasuring 21 bighas 16 biswas and Khasra nos. 361 min (1-12), 362 (5-12) and 363 (1-19)total admeasuring 09 bighas 03 biswas situated in the0 revenue estate of village Shayoorpur, New Delhi; and

c) pass such other or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. The narration in the petition reveals that notification under Section 4 of the Land Acquisition Act, 1894 ('LAA') was issued on 25th November, 1980, followed by declaration under Section 6 of the LAA on 20th May, 1985. The impugned Award No.10/87-88 was passed on 19th May, 1987. 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 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. 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 a proper explanation for inordinate delay in the Petitioner approaching the Court for relief.

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

6. The interim order dated 12th January, 2018 is hereby vacated.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 28, 2019

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