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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 818/2018

BIR SINGH AND ORS.

..... Petitioners

Through: Mr Arun Kumar Kaushik, Advocate.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr Jatin Rajput and Mr Sandeep Kumar, Advocate for R-3 and 4.
Mr Dhanesh Relan, Standing Counsel for DDA with Ms Komal, Advocate.
Ms Saroj Bidawat, Advocate for UOI/R-1.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE I.S.MEHTA

ORDER

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14.05.2019

1. The prayer in the 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 with respect to land being 5/18 joint share in Khasra No. 221 (03-10), 223 (1-16), 224 (02-14), and 225(0-06) total measuring 08 bighas 01 biswas, situated in the revenue estate of village Kotla Mahigram, Tehsil Mehrauli, New Delhi having lapsed and further quashing of the impugned notification No. F.4(9)/64-L&H(i) dated 06.04.1964 issued under Section 4, Notification No. F.4(9)/1964/L&H dated 07.12.1966 issued under Section 6 of the Land Acquisition Act, 1894 and the Award No. 205/1986-87 with respect to land being 5/18 joint share in Khasra No. 221 (03-10), 223 (1-16), 224 (02-14), and 225(0-06) total measuring 08 bighas 01 biswas, situated in the revenue estate of village Kotla Mahigram, Tehsil- Mehrauli, New Delhi, in the interest of justice;.”

2. The narration in the petition reveals that notification under Section 4 of the Land Acquisition Act, 1894 ('LAA') was issued on 6th April 1964, followed by declaration under Section 6 LAA on 7th December, 1966. The impugned Award was passed in 1986-87. 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 Petitioners seeks liberty to withdraw this petition with liberty to file a fresh petition giving a proper explanation for inordinate delay in the Petitioners approaching the Court for relief.

5. The petition is dismissed as withdrawn with liberty prayed for. The points urged in the counter affidavit of the DDA are left open to be raised at the appropriate stage.

S. MURALIDHAR, J.

I.S. MEHTA, J.

MAY 14, 2019

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