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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 744/2018

CHOKHA RAM TIWARI & ORS.

..... Petitioners

Through: Mr Aman Mehrotra, Advocate.

versus

GOVERNMENT OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr Mohit Chaudhary and Mr Anup
Kumar Mishra, Advocates for L&B.
Mr Varun Kumar Tikwani, Advocate
for Respondent No.3/PWD

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE I.S.MEHTA

ORDER

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14.05.2019

1. The prayers in the petition read as under:

“a) Issue a writ of Mandamus or any other suitable writ, order or direction in the like nature thereby directing the respondents to pay suitable compensation in respect of acquired land bearing Khasra No. 216 (01 Bigha 16 Biswas) petitioners are having 1/2th share Situated in the Revenue Estate of Village Khajuri Khas, Shahdra Delhi arising out of Award No. 912 dated 26/03/1959 . In view of the provisions of Section 24(2) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act,2013

(b) To pay all benefits/alternative plots/ industrial plot/DDA flat etc. admissible under the law in view of the provisions of Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013.”

2. The narration in the petition reveals that notification under Section 4 of the Land Acquisition Act, 1894 ('LAA') was issued on 26th March 1958, followed by declaration under Section 6 LAA on 26th March, 1958. The impugned Award No.912 was passed on 11th March, 1959. 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 The petition is dismissed as withdrawn with liberty prayed for.

S. MURALIDHAR, J.

I.S. MEHTA, J.

MAY 14, 2019

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