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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 796/2018

NARESH KUMAR

..... Petitioner

Through

Mr. Deepak Khosla, Advocate

versus

UNION OF INDIA & ORS

..... Respondents

Through

Mr. Pawan Kawrani & Mr. Akshay
Bhasin, Advocates for
Respondent/DDA

Mr. Rajneesh Sharma, Advocate for
Respondent/LAC/L & B

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

02.08.2019

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1. The prayers in the petition read as under:

“to issue a writ / order / direction in the nature of mandamus thereby directing the respondents to return the land of the petitioners calling for the records of the acquisition proceedings in respect of the land comprised in comprised in Khasra No. 2528/1229 measuring 12 Bighas 11 Biswas (having 1/24 share) and Khasra No.1223 (6 big. 10 Biswas) having 1/36 joint share situated in the revenue estate of village Kishan Garh, Mehrauli, New Delhi, acquired vide award N0.8O-E/1970-71 dated 9.1.1981 having lapsed by the Hon'ble High Court of Delhi vide its order dated 18.07.2017 in W.P.(C) No. 5664/2014 and have become inoperative after the coming into force of the Right to Fair Compensation & Transparency in Land Acquisition, Rehabilitation and Resettlement Act of 2013 OR IN THE ALTERNATE direct the authorities to make fresh acquisition under the new Act of 2013 and pay compensation qua the land of the petitioners, detailed above, alongwith other statutory benefits . Award cost of proceedings to the humble petitioner.

2. The narration in the petition reveals that notification under Section 4 of the Land Acquisition Act, 1894 ('LAA') was issued on 23rd January, 1965, followed by declaration under Section 6 LAA on 7th December, 1966. The impugned Award No.80-E/1970-71 was passed on 9th January, 1981. 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 the 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 filed by the LAC are left open to be raised at the appropriate stage.

S. MURALIDHAR, J.

TALWANT SINGH, J.

AUGUST 02, 2019

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