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

+ **W.P.(C) 449/2017**

SUNDAR SINGH @ SURENDER SINGH Petitioner

Through: Mr. Sumit Bansal & Ms. Sumi
Anand, Advocates

versus

UNION OF INDIA AND ORS Respondents

Through: Mr. Yeeshu Jain & Ms. Jyoti Tyagi,
Advocates for Respondent/LAC/L & B
Mr. Arun Birbal & Mr. Ajay Birbal, Advocates for
Respondent/DDA

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

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31.01.2019

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, being share in land forming part of Khasra Nos. 12 (3-4), 13 Min (2-7), 14 (1-16), 713/19 (2-14), 32 Min (1-18), 988/27/712/19 (1- 19), 991/33-34 (1-11), 36 Min (2-10), 213 (3-14), 224 Min (2-08), 878/472 (24-7), 880/479 (12-2), 882/496 (2-14), 477 (20-14), 488 (13-18), 493 (12-6) and 899/526 (1-14) total admeasuring 111 Bighas 16 Biswas situated in the revenue estate of Village Maidan Garhi, 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 to hand over the vacant and peaceful possession of the land, being 1/3rd share in land forming part of Khasra Nos. 12 (3-4), 13 Min (2-7), 14 (1-16), 713/19 (2-14), 32 Min (1-18), 988/27/712/19 (1-19), 991/33-34 (1-11), 36 Min (2-10), 213 (3-14), 224 Min (2-08), 878/472 (24-7), 880/479 (12-2), 882/496 (2-14), 477 (20-14), 488 (13-18), 493 (12-

6) and 899/526 (1-14) total admeasuring 111 Bighas 16 Biswas situated in the revenue estate of Village Maidan Garhi, New Delhi to the Petitioner; 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 18th June, 1985. The impugned Award No.23/1987-88 was passed on 17th June, 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.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 31, 2019

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