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

+ **W.P.(C) 3435/2019**

PRATAP SINGH & ORS

..... Petitioners

Through: Mr.B.S.Chauhan, Advocate along
with Petitioners in person.

versus

GOVT. NCT OF DELHI & ANR

..... Respondents

Through: Mr.Yeehsu Jain, Standing Counsel
with Ms.Jyoti Tyagi, Advocate
L&B/LAC.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE PRATEEK JALAN

ORDER

05.04.2019

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CM No. 15829/2019(exemption)

1. The application is allowed subject to just exceptions.

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2. The prayers in the petition read as under:

“a) issue a writ of certiorari or any other appropriate writ, order or direction, for quashing/declaring all the acquisition proceedings arising out of Award No.4/1969-70 of Village Ghonda Chauhan Khadar with respect to Khasra No.1 etc/126 (9-17) and 1 etc/229 (3-7), total measuring 13 bigha 4 biswa situated at Village Ghonda Chauhan Khadar, Delhi- 110053 lapsed and de-notified the same with consequential relief by virtue of section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013;

b) further direct the respondents to handover the possession of the subject land to the petitioners after demarcating the same;

c) as the petitioners have not yet been paid any compensation in respect of their subject land, if the respondents want to acquire the subject land of the petitioners, they may acquire subject land of the petitioners under the provisions of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013;

d) Pass such other or further order as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case in favour of the petitioners and against the respondents.”

3. The narration in the petition reveals that notification under Section 4 of the Land Acquisition Act, 1894 ('LAA') was issued on 13th November 1959, followed by declaration under Section 6 of the LAA on 7/8th July 1966. The impugned Award No.6/1969-70 was passed on 11th June 1969. There is no explanation in the petition for the inordinate delay in approaching the Court for relief.

4. This Court has in the series of orders including *Mool Chandv. 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.

5. 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.

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

S. MURALIDHAR, J.

PRATEEK JALAN, J.

APRIL 05, 2019 / tr