

\$~

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

54

+ **W.P.(C) 909/2018**

**SURENDER @ SATENDER KUMAR**

**@ SURENDER SINGH @ SETHI @**

**SURENDER CHOUDHARY @ SURENDER KUMAR** ..... Petitioner

Through: Mr T.K. Tiwari, Advocate.

versus

**THE LT GOVERNOR OF DELHI & ORS**

..... Respondents

Through: Mr Madhav Dhingra and Mr Joginder Sukhija, Advocates for DDA.

Mr Hetu Arora Sethi, ASC for GNCTD with Mr Rahul Jain, Advocates for R-1.

Ms Ruchika Rathi and Ms Karanjot Singh Mainee, Advocates for LAC/L&B.

Mr Tushar Sannu, Standing Counsel for EDMC.

**CORAM:**

**JUSTICE S.MURALIDHAR**

**JUSTICE I.S.MEHTA**

**ORDER**

%

**14.05.2019**

1. The prayers in the petition read as under:

“(a) Call for the records of the acquisition proceedings with respect to the land comprised in Khasra no. 147 situated at Village Gazipur, Delhi-110096 ad-measuring 1100 sq. yards acquired vide Award No. 25-A/ 70-71; and

(b) Issue a writ, order or direction in the nature of mandamus or any other writ, order or direction declaring the acquisition proceedings in respect of land to the extent of 1/4<sup>th</sup> out of 1100 sq. yards falling in Khasra No. 147 situated at Village Gazipur,

Delhi-110096 [ad measuring 1100 Sq. Yards] to have lapsed and have become inoperative under section 24(2) of the Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 as no compensation whatsoever with respect to said land has been paid to the Petitioner herein, till date.

(c) issue a writ, order or direction in the nature of mandamus directing the revenue authorities to record the name of the Petitioner as a owner /bhumidhar of the land comprised in Khasra no. 147 situated at Village Gazipur, Delhi-110096 ad-measuring 1100 sq. yards to the extent of 1/4<sup>th</sup> out of 1100 sq. yards falling in the said Khasra No;.”

2. The narration in the petition reveals that notification under Section 4 of the Land Acquisition Act, 1894 (‘LAA’) was issued on 3<sup>rd</sup> March 1964, followed by declaration under Section 6 LAA on 16<sup>th</sup> June, 1966. The impugned Award No. 25-A/70-71 was passed on 28<sup>th</sup> March 1980. 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 Petitioner seeks liberty to withdraw this petition with liberty to file a fresh petition giving the proper explanation for inordinate delay in the Petitioner approaching the Court for relief.

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 The petition is dismissed as withdrawn with liberty prayed for.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

**S. MURALIDHAR, J.**

**I.S. MEHTA, J.**

**MAY 14, 2019**  
*rd*