

\$~28

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

+ **W.P.(C) 656/2017**

JAGJEET SINGH & ORS

..... Petitioners

Through

Mr.V.P.Rana with Ms. Pooja Wason,
Advocates

versus

UNION OF INDIA & ORS

..... Respondents

Through

Mr. Rajneesh Kumar Sharma,
Advocates for Respondents No.1 &
2/LAC/L & B
Ms. Shobhna Takiar with Ms. Shivani
Jain, Advocates for
Respondent/GNCTD

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE I.S.MEHTA

ORDER

%

19.03.2019

1. The prayers in the petition read as under:

“(a) issue a writ/order/direction in the nature of certiorari calling for the records of the acquisition proceedings in respect of land ad measuring 8816 square yards comprising in Khasra No.709 (2566 sq.yds.), 171/2 (450 sq.yds.), 163 (400 sq.yds.), 163+170 (750 sq.yds.), 170 (750 sq.yds.) and 708 (3900 sq.yds.) all situated at Village Siraspur, Delhi;

(b) issue appropriate write, order or direction declaring the acquisition proceedings in respect of land ad-measuring 8816 square yards comprising in Khasra No.709 (2566 sq.yds.), 171/2 (450 sq.yds.), 163 (400 sq.yds.), 163+170 (750 sq.yds.), 170 (750 sq.yds.) and 708 (3900 sq.yds.) all situated at Village Siraspur, Delhi having lapsed and have become inoperative after the coming

into force of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013;

(c) award the cost of the present proceedings in favour of the petitioners;

(d) pass any other order or relief which 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.”

2. The narration in the petition reveals that notification under Section 4 of the Land Acquisition Act, 1894 ('LAA') was issued on 9th February, 1989, followed by declaration under Section 6 of the LAA on 1st August 1966. The impugned Award No.08/1991-1992 was passed on 3rd February, 1992. 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)*, 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 the inordinate delay in the Petitioner approaching the Court for relief.

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 The petition is dismissed as withdrawn with liberty prayed for.

6. The interim order passed by this Court on 25th January, 2017 which stood confirmed on 19th December, 2017 is hereby vacated. The stand of the parties in the respective counter affidavits and rejoinders thereto are reserved to be urged at the appropriate stage.

S. MURALIDHAR, J.

I.S. MEHTA, J.

MARCH 19, 2019

mw