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IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(C) 1745/2017

RAJBIR

..... Petitioner

Through: Mr Ghanshyam Mishra and Ms
Sunaina Mishra, Advocates.

versus

GOVT OF NCT OF DELHI AND ORS

.... Respondents

Through: Mr Sachin Nawani, Advocate
for R-1 & 2.

Ms Mrinalini Sen, Standing Counsel for
DDA.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

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22.07.2019

1. The prayers in the petition read as under:

“a) issue a Writ, order or declaration declaring entire acquisition proceedings i.e. Section 4 notification dated 13.11.1959, section 6 declaration dated 14.06.1966 and award No. 54 OF 1969-70 DATED 30.03.1970 in respect of the land of the Petitioner measuring 5000 sq yards comprised in and out of Khasra No.514 admeasuring (7-16) situated in the Revenue Estate of Village Karkardooma, Delhi have lapsed in view of sub-section 2 of the section 24 of “THE RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT ACT, 2013.”;

and

b) issue a writ of mandamus directing the respondents not to in any manner whatsoever, interfere with the peaceful enjoyment and possession of the said lands presently in possession and occupation of the Petitioner.”

2. 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 LAA on 14th June 1966. The impugned Award No.54/69-70 was passed on 30th March 1970. 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 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 The petition is dismissed as withdrawn with liberty prayed for. The interim order dated 27th February 2017 which stood confirmed on 5th December 2017 is hereby vacated.

6. The points urged in the counter affidavits of the LAC, DDA and the

Delhi Public Library, as well as in the respective rejoinders to the same filed by the Petitioner, are left open to be raised at the appropriate stage.

S. MURALIDHAR, J.

TALWANT SINGH, J.

JULY 22, 2019
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