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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 1420/2018 & CM APPL. 20368/2019

VED PRAKASH SAINI

..... Petitioner

Through: Mr.Aman Mehrotra, Advocate

versus

GOVT. OF NCT OF DELHI AND ORS.

..... Respondents

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

Mr.Tanmay Yadav, Advocate for
Ms.Mrinacini Sen, Standing Counsel
for DDA/R-3.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE REKHA PALLI

ORDER

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06.05.2019

1. The prayers in the petition read as under:

“a) Issue a writ of Mandamus or any other suitable writ, order or direction in the like nature thereby holding that the acquisition proceedings resulting from the Award No.1556 dated 03/04/1963 and all subsequent proceedings under Land Acquisition Act in respect of land bearing Khasra No. 1171/480/21/3 MIN (10-10), 1175/512/22 (02-12), 1173/512/22 (02-15) TOTAL LAND MEASURING 15 BIGHAS 17 BISWAS with Petitioner's share being 1/6th SHARE i. e.(02 Bigha 13 Biswas) Situated in the Revenue Estate of Village Sdhora Khurd, Delhi-110007, are null & void and stand lapsed in view of the provisions of Section 24(2) of Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013.

b) Direct the respondents to release the aforesaid land comprised in Khasra No. 1171/480/21/3 MIN (10-10), 1175/512/22 (02-12), 1173/512/22(02-15) TOTAL LAND MEASURING 15 BIGHAS 17 BISWAS IN 1/6 SHARE i.e.

(02 Bigha 13 Biswas) Situated in the Revenue Estate of Village Sdhora Khurd, Delhi-110007, no possession has been taken by the respondents till date.

c) Direct the Respondents to suitably amend the revenue records immediately, in view of deemed lapsing of the award and all subsequent proceedings.”

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 of the LAA on 23rd November 1962. The impugned Award No.1556 was passed on 3rd April 1963. There is no explanation in the petition for the inordinate delay in approaching the Court for relief.
3. This Court has in the 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 inordinate delay in the Petitioner approaching the Court for relief.
5. The petition is dismissed as withdrawn with liberty prayed for. The interim order passed by this Court on 16th February 2018 which stood confirmed on 16th April 2018 is hereby vacated.
6. The pending application of the DDA has been rendered infructuous and is disposed of as such.
7. The grounds urged in the counter affidavit of the LAC are left open to be

urged at the appropriate stage.

S. MURALIDHAR, J.

REKHA PALLI, J.

MAY 06, 2019

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