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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 2083/2017

AMIT & ORS.

..... Petitioners

Through: Ms. Pooja Wason, Advocate

Versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Yeeshu Jain, Standing Counsel
with Ms. Jyoti Tyagi for Respondent
/LAC/L & B Deptt.
Mr. Dhanesh Relan, Standing Counsel
with Ms. Mrinalini Sharma for
Respondent/DDA

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE VINOD GOEL

ORDER

08.02.2019

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1. The prayers in the petition read as under:

“In view of the above mentioned facts and circumstances, it is, therefore, most respectfully and humbly prayed that this Hon'ble Court may graciously be pleased to:-

(a) issue a writ/order/direction in the nature of certiorari calling for the records of the acquisition proceedings in respect of land admeasuring 2200 square yards comprising in Khasra No. 170 (4-16) situated at Village Siraspur, Delhi;

(b) issue appropriate write, order or direction declaring the acquisition proceedings in respect of land ad-measuring 2200 square yards comprising in Khasra No.170 (4-16) 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

deems 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 7th February 1990. The impugned Award No.8/1991-92 was passed on 12th February 1992. 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 following the judgments of the Supreme Court in *Mahavir v. Union of India* (2018) 3 SCC 588 and *Indore Development Authority v. Shailendra* (2018) 3 SCC 412 dismissed matters on account of delay and laches. The above observations have been followed by this Court in several orders including the order dated 10th January, 2019 in WP(C) No. 4528/2015 (*Mool Chandv. Union of India*) and similar petitions have been dismissed 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 as prayed for. The interim order dated 7th March, 2017 which stood confirmed on 22nd January, 2018 stands vacated.

S. MURALIDHAR, J.

VINOD GOEL, J.

FEBRUARY 8, 2019

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