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

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W.P.(C) 2307/2016

JOGINDER SINGH SETHI

..... Petitioner

Through: Mr G.S. Raghav, Advocate.

versus

LAND ACQUISITION COLLECTOR (NORTH) & ANR ... Respondents

Through: Mr Dhanesh Relan, Standing Counsel
for DDA with Ms Gauri Chaturvedi
and Ms Pallavi Nagar, Advocates.
Mr Yeeshu Jain, Standing Counsel
for LAC/L&B with Ms Jyoti Tyagi,
Advocates.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

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19.07.2019

1. The prayers in the petition read as under:

“i) Pass an appropriate order allowing the present writ petition,

ii) Pass 'an appropriate order(s) declaring Award No. 1558-A dated 02.08.1983 (Annexure: P-2) made by the Respondent No.1 as lapsed in terms of the provisions of Section 24 (2) of 'The Right to Fair Compensation And Transparency in Land Acquisition, Rehabilitation And Resettlement Act, 2013'.

iii) Issue a Writ of Mandamus or appropriate direction(s) to the Respondent No. 2 (DDA) not to execute its threat to demolish the existing building, structure over the land and not to dispossess/interfere in future in any manner whatsoever specially without due process of law in possession, use and enjoyment of the

property in question having a area of 4,235 sq. yds. a part of 11 Bigha as shown in yellow color in site plan (Annexure : P-1) and lawfully belonging to Sh. Narender Chadha comprising in Khasra No. 389 situated in the revenue estate of village Malikpur Chhavni now known as Model Town, Delhi-9,

iv) Issue a Writ of Mandamus or appropriate direction(s) to the Respondent No. 1 (LAC) to pay compensation to the Petitioner under the provisions of 'The Right to Fair Compensation And Transparency in Land Acquisition, Rehabilitation And Resettlement Act, 2013' for the land admeasuring 5,730 Sq. Mts. (6,853 sq. yds.) illegally sold to a private entity i.e. M/s Vardhman Properties Ltd. on 15.01.2005 in public auction for private use of the land as shown in Red color in site plan (Annexure :P-1)”

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 22nd November 1962. The impugned Award No. 1558-A was passed on 2nd August, 1983. 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 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 7th April, 2016 which stood confirmed on 6th February 2018 hereby stands vacated. The points urged in the counter affidavits of the Respondents are left open to be raised at the appropriate stage.

S. MURALIDHAR, J.

TALWANT SINGH, J.

JULY 19, 2019

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