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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 3711/2018

RAKESH KUMAR

..... Petitioner

Through: Mr. Lalit Kumar Rawal, Mr. Aman Mehrotra & Mr. Prabhu Giri, Advocates

versus

GOVT. OF NCT OF DELHI AND ORS.

..... Respondents

Through: Mr. Sanjeev Sagar, Standing counsel with Ms. Nazia Parveen & Mr. Aman Bansal, Advocates for Respondent/DDA

Mr. Yeeshu Jain & Ms. Jyoti Tyagi, Advocates for Respondent/LAC/L& B

Ms. Arti Bansal, Mr. Soumaya Karmakar & Mr. Ashutosh Nandan Atrey, Advocates for Respondent No.3/CPWD

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

30.01.2019

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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 directing the respondents to pay suitable commercial compensation in respect agricultural land the petitioner land comprised Khasra No. 1 etc./41/1 total land measuring 07 Bigha 04 Biswas in petitioner entitled 1/3rd share i.e. (02 Biswas 08 Biswas 2400 sq.yds. of the petitioner share) Situated in the Revenue Estate of Village Ziauddinpur, Shahdra, Delhi- arising out of award No.1166 dated 11/07/1961 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) To pay all benefits/alternative plots/Industrial plot/DDA flat etc. admissible under the law in view of the provisions of Right to Fair

Compensation and Transparency in Land Acquisition
Rehabilitation and Resettlement Act, 2013.”

2. The narration in the petition reveals that notification under Section 4 of the Land Acquisition Act, 1894 (‘LAA’) was issued on 16th March, 1961 , followed by declaration under Section 6 of the LAA on 16th March, 1961. The impugned Award No.1166 was passed on 11th July, 1961. 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 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 inordinate delay in the Petitioner approaching the Court for relief.

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 The petition is dismissed as withdrawn with liberty prayed for.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 30, 2019

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