

\$~
* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
56
+ **W.P.(C) 3426/2018**
BREEK CONSTRUCTION PVT LTD Petitioner
Through: Mr Anuroop P.S., Advocate.

versus

UNION OF INDIA & ANR Respondents
Through: Ms Ruchika Rathi, Advocate for
LAC/L&B.

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE TALWANT SINGH

% **ORDER**
22.08.2019

1. The prayers in the petition read as under:

“It is therefore, most respectfully prayed that this Hon'ble Court may be pleased to issue a writ / order / direction in the nature of mandamus calling for the records of the acquisition proceedings with respect to the land comprised in Khasra No. 22//16/2 (1-16) and 22//25/2 (3-0) in total measuring 4 bigha 16 biswas situated in the revenue estate of village Khampur, Delhi intended to be acquired vide notification under Section 4 of Land Acquisition Act, dated 06.07.1998, and awarded vide award No. 13/2000-2001/N-W and further to pass appropriate writ, order or direction(s) declaring the acquisition proceedings to have lapsed and have become inoperative under Section 24(2) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act of 2013, as neither physical possession of the land of petitioner has been taken nor compensation with respect to land have been paid to the owner

Award cost of proceedings to the humble petitioner.”

2. The narration in the petition reveals that notification under Sections 4 and 17 (1) of the Land Acquisition Act, 1894 (‘LAA’) was issued on 6th July, 1998, followed by declaration under Section 6 LAA on 17th July 1998. The impugned Award No. 13/2000-2001/NW was passed on 14th July, 2000. 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 *Indore Development Authority v. Shailendra (2018) 3 SCC 412* 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 The petition is dismissed as withdrawn with liberty prayed for.

S.MURALIDHAR, J

TALWANT SINGH, J

AUGUST 22, 2019

rd