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

+ **W.P.(C) 2928/2016**

BALWAN SINGH AND ORS.

..... Petitioners

Through: Mr. Madan Lal Sharma, Advocate.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr. Yeeshu Jain, Advocate with Ms.
Jyoti Tyagi, Advocate for LAC/L&B.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

% **19.02.2019**

1. The prayers in this petition read as under:

“a) issue a writ of certiorari or any other suitable writ, order, direction in the like nature whereby and whereunder the acquisition proceedings vide award no.33/78-79 dated 29.12.78 passed by the Land Acquisition Collector, (North) under the provisions of Land Acquisition Act, 1894 in respect of the land in question of the petitioners comprised of Khasra nos.1158 min (2-10) & 1159 (2-19), total measuring 5 bighas and 09 biswas situated in the Revenue Estate of village Bhalswa Jahangirpur, Delhi may be declared to have lapsed in view of the section 24 (2) of Fair Compensation & Transparency in Land Acquisition, Rehabilitation Act, 2013;

b) the cost of the proceedings may be awarded in favour of the petitioners and against the respondents.

c) to issue such other appropriate writ order or direction which this Hon'ble court may deem fit and proper in the facts and circumstances of the case.”

2. According to the narration in the petition, subsequent to notification under Section 4 and the Land Acquisition Act, 1894 ('LAA') and declaration under Section 6 LAA, the impugned Award No.33/78-79 was passed way back on 29th December 1978. 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 the order dated 17th January, 2019 in WP(C) No. 4528/2015 (*Mool Chand v. Union of India*), 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 Petitioners 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. Dismissed as withdrawn with liberty as prayed for. The interim order dated 25th July 2016 as confirmed on 24th October 2017 is hereby vacated.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

FEBRUARY 19, 2019/ss