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

+ **W.P.(C) 3456/2016**

SURESH CHAND JAIN

..... Petitioner

Through: Mr. D.V. Khatri, Advocate.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Jasmeet Singh, CGSC for UOI.
Mr. Yeeshu Jain, Advocate with
Ms. Jyoti Tyagi, Advocate for
LAC/L&B.
Ms. Mrinalini Sen, Standing Counsel
for DDA.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE I.S.MEHTA

ORDER

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12.03.2019

1. The prayers in the petition read as under:

“i) Issue Writ of certiorari to the effect of quashing the impugned award No. 30/2003-04 dated 18.03.2004 of Village-Alipur, Delhi, passed by the Land Acquisition Collector under Section 11 of the Land Acquisition Act in respect of the land bearing Khasra No. 27//2 measuring 3 bigha 11 biswa situated in the revenue estate of Village-Alipur, Delhi, being lapsed under Section 24(2) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

ii) Declaration to the effect of declaring the award No. 30/2003-04 dated 18.03.2004, Notification U/S 4 of LA Act vide No. F.10(4)97/L&B/LA/7329 dated 22.08.2001 alongwith

corrigendum No. F.10(4)97/L&B/LA/5148 dated, 26.6.2002 and declaration U/S 6 of the L.A. Act, 1894 vide No. F.10(4)97/L&B/LA/7910 dated 26.07.2002 in respect of the land bearing Khasra No. 21112 total measuring 3 bigha 11 biswa situated in the revenue estate of Village-Alipur, Delhi, as null and void being lapsed Under Section 24(2) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

iii) Pass any further orders or directions which this Hon'ble Court deems fit and proper in the present case in favour of the petitioners, in the interest of justice.”

2. The narration in the petition reveals that notification under Section 4 of the Land Acquisition Act, 1894 ('LAA') was issued on 22nd August 2001, followed by declaration under Section 6 LAA on 26th July 2002. The impugned Award No. 30/2003-04 was passed on 18th March 2004. 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 W.P(C) 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 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. The points urged in the counter affidavit of the DDA are left open to be considered at the appropriate stage.

5. The petition is dismissed as withdrawn with liberty prayed for. The interim order passed on 27th April 2016 as confirmed on 13th November 2017 is hereby vacated.

S. MURALIDHAR, J.

I.S. MEHTA, J.

MARCH 12, 2019
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