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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 4541/2018**

SH. SURENDER KUMAR AND ORS. Petitioners
Through Mr. Arun K. Kaushik, Advocate

versus

UNION OF INDIA AND ORS. Respondents
Through Mr. Yeeshu Jain & Ms. Jyoti Tyagi,
Advocates for Respondent/LAC/
L & B
Ms. Mrinalini Sen, Standing counsel
for Respondent/DDA

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE TALWANT SINGH

% **ORDER**
09.08.2019

1. The prayer in the petition reads as under:

“Pass a writ, order or direction in the nature of writ of declaration, thereby declaring the acquisition proceedings initiated in respect of the land of the petitioners with respect to his land i.e. being 1/3 joint share in Khasra No. 388(05-13), 626 MIN(12-01) & 392 (06-12), total measuring 24 bighas 06 biswas, situated in the revenue estate of Village, Madanpur Khadar, Delhi, as deemed to have lapsed in view of the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and further issue order or direction quashing the impugned award No. 15/1985-86 of Village Madanpur Khadar, Delhi, to the extent of the aforesaid land belonging to the petitioners or their predecessors in interest was acquired, in the interest of justice, equity.”

2. The narration in the petition reveals that notification under Section 4 of the Land Acquisition Act, 1894 ('LAA') and declaration under Section 6 LAA was issued on 18th March, 1985. The impugned Award No.15/1985-86 was passed on 6th September, 1985. 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 Petitioners seeks liberty to withdraw this petition with liberty to file a fresh petition giving a proper explanation for the inordinate delay in the Petitioners approaching the Court for relief.

5. The petition is dismissed as withdrawn with liberty prayed for. The points urged in the counter affidavit filed by the DDA, and in the rejoinder thereto on behalf of the Petitioner, are left open to be raised at the appropriate stage.

S. MURALIDHAR, J.

TALWANT SINGH, J.

AUGUST 09, 2019/mw