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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 2734/2017**

MAHENDER

..... Petitioner

Through: Mr. Peeyoosh Kalra & Mr. Ashok
Nagrath, Advocates

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Ms. Sushila Narang, Advocate for
Respondent No.1/UOI
Mr. Arjun Pant, Advocate for Respondent/DDA
Mr. Yeeshu Jain & Ms. Jyoti Tyagi, Advocates for
Respondent/LAC/L & B

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

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31.01.2019

1. The prayers in the petition read as under:

“i) Issue writ of certiorari to the effect of quashing the impugned award No. 2179/ 68/DC /(E) Dated 12-11-1968 of village Mandawali Fazilpur Delhi 92 passed by the Land acquisition Collector under section 11 of the land acquisition Act in respect of the land bearing Khasra No.42, 43 , 44 , 45, -measuring 18 bigha 1 biswa approximately situated in the revenue state of village Mandawali Fazilpur Delhi 110092 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.2179 dated 12-11-1968 Notification No. u/s 4 of the Act 1894 Notification No.F 15 (iii) /59- LSG Dated 13-11-1959 and declaration u/s 6 Land Acquisition Act, 1894 notification No. F-4(19) /65 L & H Dated 18-3-1966 in respect of the land bearing khasra No.42, 43, 44, 45 measuring 18 beegha 1 biswas approximately situated in the revenue estate of village Mandawali Fazilpur Delhi 92 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 (to be specific petitioner share is 1/5 of the share of total Land in the above khasras.

iii) pass any other or further order (s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

2. The narration in the petition reveals that notification under Section 4 of the Land Acquisition Act, 1894 (‘LAA’) was issued on 13th November, 1959, followed by declaration under Section 6 of the LAA on 18th March, 1966. The impugned Award No.2179/68/DC(E) was passed on 12th November, 1968. 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.

6. The interim order passed by this Court on 28th March, 2017 which stood confirmed on 5th February, 2018 is hereby vacated.

S.MURALIDHAR, J

SANJEEV NARULA, J

JANUARY 31, 2019/mw