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

+ **W.P.(C) 2915/2017**

SHAHABUDDIN Petitioner

Through Mohd. Zeeshan Aftab, Advocate

versus

GOVT. OF NCT OF DELHI & ANR Respondents

Through Mr. V. Balaji & Ms. Sripradha
Krishnan, Advocates for Respondent
No.2/LAC
Ms. Shahana Farah & Mr.
Mohammad Yunni, Advocate for
Respondent/DDA

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

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29.07.2019

1. The prayers in the petition read as under:

“1. To issue Writ/Order/Direction in respect of the land in question bearing various khasras area admeasuring 25 Bighas and 15 Biswa land situated in the revenue estate of village Okhla, Tehsil Defence Colony, acquired Vide Award No. 94/83-84 dated 24.02.1984. Possession had been taken but no compensation has paid, which has lapsed and become inoperative after coming into effect of right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Settlement Act Of 2013.

2. To direct them pay the compensation at current market rate or provide alternative plot of land similar size.

3. To direct them to pay the cost of the litigation.”

2. The narration in the petition reveals that notification under Section 4 of the Land Acquisition Act, 1894 ('LAA') was issued on 14th July, 1980, followed by declaration under Section 6 LAA on 29th April, 1981. The impugned Award No.94/83-84 was passed on 24th February, 1984. 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 *Mahavir v. Union of India (2018) 3 SCC 588* 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 The petition is dismissed as withdrawn with liberty prayed for. The points urged in the counter affidavit filed by the LAC, 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.

JULY 29, 2019/mw