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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
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+ **W.P.(C) 6031/2016 & CM 28272/2018**

RAVINDER NATH SAHNI Petitioner
Through: Mr Parvinder Chauhan, Advocate.

versus

GOVT. OF NCT OF DELHI & ORS. Respondents
Through: Ms Astha Tyagi, Advocate for
LAC/L&B.
Mr Aneesh Sadhwana and Mr Sumit
Gupta, Advocates for NHAI.

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE SANJEEV NARULA

ORDER
% **30.01.2019**

1. The prayers in the petition read as under:

- “(i) Issue a writ, order or direction in the nature of certiorari thereby calling forth the records of the Respondents pertaining the petitioner's land measuring 3 Bighas and 18 Biswas bearing Khasra Nos. 763/2 min (0-12) and 766 min (3-06) falling within the limits of revenue estate of Village-Kapashera, District South-West, Delhi;
- (ii) After perusal of the records so called forth, declare that the entire land acquisition proceedings qua the petitioner's said land, measuring 3 Bighas .and 18 Biswas bearing Khasra Nos. 763/2 min (0-12) and 766 min (3-06) falling within the limits of revenue estate of Village-Kapashera, District Sputh-West, Delhi stands lapsed and has no existence in the eyes of law;

- (iii) Direct the respondents to restore the possession of the Said Land, land measuring 3 Bighas and 18 Biswas bearing Khasra Nos. 763/2 min (0-12) and 766 min (3-06) falling within, the limits of revenue estate of Village-Kapashera, District South-West, Delhi to the petitioner;
- (iv) Also declare that, w.e.f. 01.01.2014, the Respondents are in illegal and un-authorised occupation of the Said Land, land measuring 3 Bighas and 18 Biswas bearing Khasra Nos. 763/2 min (0-12) and 766 min (3-06) falling within the limits of revenue estate of Village-Kapashera, District South-West, Delhi;
- (v) Direct the Respondents to pay to the Petitioner towards the user and occupation charges calculated @ Rs. 50,000/- per month, or at such other rate as this Hon'ble Court may deem fit and reasonable, reckoned from 01.01.2004 till the time the actual and vacant possession of the Said Land measuring 3 Bighas and 18 Biswas bearing Khasra Nos. 763/2 min (0-12) and 766 min (3-06) falling within the limits of revenue estate of Village-Kapashera, District South-West, Delhi is restored back;
- (vi) Any other relief or order that this Hon'ble Court deems fit and proper be also granted to the petitioner and against the respondents.”

2. The narration in the petition reveals that notification under Section 4 of the Land Acquisition Act, 1894 ('LAA') was issued on 10th November 1986, followed by declaration under Section 6 LAA on 5th March 1987. The impugned Award No.14/88-89 was passed way back on 3rd March 1989. 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 the proper explanation for inordinate delay in the Petitioner approaching the Court for relief.

5. The petition is dismissed as withdrawn with liberty prayed for. The pending application is also disposed of. The interim order, if any, stands vacated.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 30, 2019

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