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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7657/2018, CM APPL. 29320/2018 (for stay) & CM**
APPL. 47327/2018

RAM PHOOL

..... Petitioner

Through: Mr. Aman Mehrotra, Advocate.

versus

GOVERNMENT OF NCT OF DELHI & ANR Respondents

Through: Mr. Pawan Pathak, Standing Counsel
for DDA.

Mr. Manish Kumar, Advocate for
Intervenor.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE REKHA PALLI

ORDER

% **07.05.2019**

1. The prayers in the petition read as under:

“a. Issue a writ of mandamus or any other suitable writ order or direction of the similar nature declaring the entire acquisition with respect to the land bearing Khasra no. 895/14 (02-17), 151 (02-14), 177 (02-02), 178 (02-05), 755/179 (01-01), 180 (02-02), 186 (01-10), 260 (03-03), 208 (02-08), 758/210 (00-18), 723/210 (00-18) 771/338(01-01), 772/355 (00-12), 356/(01-04) and 789/533(03-03) total land measuring 27 bigha 18 biswas and the petitioner family members are extent their share 1/4th share i.e. 6975 sq.yds. in petitioner extent 1/5th share i.e. (01-08) 1400 sq.yds. (the grandfather of the petitioner is recorded owner in revenue record) situated in the revenue estate of village Sabholi , Shahdra, Delhi- of petitioner land to have lapsed and further question the impugned notification under section 4 of L.A.Act vide no. No.F.II-(12)/07/L&B dated 24/10/1961 85

notification under section 6 of L.A.Act vide No. F-4 (19)/65-L&H dated 21/10/1961 award No.39 / 1970-71 dated 31/10/1970 of village Sabholi, Shahdra Delhi .In view of the provisions of Section 24(2) of Right of Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act,2013.”

2. The narration in the petition reveals that notification under Section 4 of the Land Acquisition Act, 1894 (‘LAA’) was issued on 24th October 1961 followed by declaration under Section 6 of the LAA on 21st September 1966. The impugned Award No.39/1970-71 was passed on 22nd September 1986. There is no explanation in the petition for the inordinate delay in approaching the Court for relief.

3. This Court has in the series of orders following the judgment of the Supreme Court in *Mahavir v. Union of India (2018) 3 SCC 588* dismissing 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 24th July 2018 is hereby vacated. The application for stay is dismissed. The application for

intervention is disposed of as having become infructuous.

S.MURALIDHAR, J.

REKHA PALLI, J.

MAY 07, 2019

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