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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 8096/2018 & CM 31039/2018

MAHENDER SINGH

..... Petitioner

Through: Mr S.K. Rout and Mr Aman
Mehrotra, Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr Arun Birbal and Mr Sanjay Singh,
Advocates for DDA.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE I.S.MEHTA

ORDER

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14.05.2019

1. The prayers in the petition read as under:

“a. pass a writ, order or direction in the nature of a writ of declaration, declaring the acquisition proceedings initiated under the Land Acquisition Act, 1894, In respect of the land of total measuring 6 Bigha 16 Biswa of the petitioner, measuring 2 bigha bearing khasra no. 1381/2 & 4 bigha 16 biswa bearing khasra no. 1520/1 situated in Village Malikpur Kohi Alias Rangpuri, Distt. New 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;

b. further pass a writ, order or directions in the nature of a writ of mandamus thereby directing the respondents to acquire the land of the petitioner as per The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 land total measuring 6 Bigha 16 Biswa

comprising in khasra No.1381/2 and .1520/1 situated in Village-Malikpur Kohi Alias Rangpuri, Distt. New Delhi, Delhi.”

2. The narration in the petition reveals that notification under Section 4 of the Land Acquisition Act, 1894 (‘LAA’) was issued on 23rd January 1965, followed by declaration under Section 6 LAA on 26th December, 1968. The impugned Award No. 146/80-81 was passed on 30th March, 1961. 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 inordinate delay in the Petitioner approaching the Court for relief.

5. The petition is dismissed as withdrawn with liberty prayed for. The interim order dated 3rd August 2018 passed by this Court stands vacated. The pending application is dismissed.

S. MURALIDHAR, J.

I.S. MEHTA, J.

MAY 14, 2019

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