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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 7934/2018

RAMESH CHAND JAIN

..... Petitioner

Through: Mr M.C. Verma, Advocate.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr Pawan Mathur, Advocate for
DDA.
Mr Rajesh Gogna, CGSC for UOI.
Mr. B. Mahapatra, Advocate for R-4
and 5.

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) Issue a writ, of certiorari and/or any other writ, order or direction of the similar nature declaring the entire acquisition with respect land comprised in khasra nos. 35//22 min (1-03), 23 min (1-13), 24 min (2-19), 38//2 min (2-02), 3 min (0-10), 4 min (1-16), 35//24 min (2-01) total land measuring 12 Bigha 04 Biswa situated in the revenue estate of village Barwala, Delhi having lapsed as per u/s 24(2) of New LA Act-2013, and further quashing the impugned notification No. F.1 1(19)/01/L&B/LA/20133 dated 21.03.2003 issued under section 4, Notification No. F.11(15)/2004/L&B/LA/28281 Dated 19.03.2004 issued under section 6 of the Land Acquisition Act, 1894 and the Award no. 12/2005-06 with respect to 12 Bigha 04 Biswa of above said Land, situated in the revenue estate of village Barwala, Delhi.

AND

b) Issue a writ of mandamus and/or any other writ, order and direction of the similar nature issuing directions to the Respondents to release the compensation as per New LA Act-2013, with respect to 12 Bigha 04 Biswas of Land comprised in khasra nos. 35//22 min (1-03), 23 min (1-13), 24 min (2-19), 38//2 min (2-02), 3 min (0-10), 4 min (1-16), 35//24 min (2-01) situated in the revenue estate of village Barwala, Delhi.

c) Award costs of the writ petition in favour of the petitioner;.”

2. The narration in the petition reveals that notification under Section 4 of the Land Acquisition Act, 1894 (‘LAA’) was issued on 21st March 2003, followed by declaration under Section 6 LAA on 19th March, 2004. The impugned Award No. 12/2005-06 was passed on 5th August, 2005. 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 points urged in the counter affidavits of Respondents 2 and 3 are left open to be

raised at the appropriate stage.

S. MURALIDHAR, J.

I.S. MEHTA, J.

MAY 14, 2019
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