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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 3648/2015

HARI NARAIN AGGARWAL

..... Petitioner

Through: Mr.Nitin Jain, Advocate.

versus

LT. GOVERNOR & ORS

..... Respondents

Through: Mr.Yeeshu Jain, Standing Counsel
with Ms.Jyoti Tyagi, Advocate for
LAC/L&B.
Ms.Mrinalini Sen, Standing Counsel
with Mr.Tanmay Yadav, Advocate
for DDA.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

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25.01.2019

1. The prayers in the petition read as under:

“In view of the facts stated and submission made herein above it is most respectfully prayed to this Hon’ble Court may kindly be pleased to:-

(i) Issue a writ, order or direction in the nature of certiorari thereby calling forth the records of the Respondents pertaining the petitioners' land, in total measuring 02 Bighas and 11 Biswas, out of Khasra No. 404 situated in the revenue records of Village

Mandawali Fazal Pur, Delhi;

(ii) After perusal of the records so called forth, declare that the entire land acquisition proceedings qua the petitioners' said

land, the petitioners' land, in total measuring 02 Bighas and 11 Biswas, out of Khasra No. 404 situated in the revenue records of Village Mandawali Fazal Pur, Delhi stands lapsed and has no existence in the eyes of law;

(iii) Direct the respondents to restore the possession of the petitioners' land, in total measuring 02 Bighas and 11 Biswas, out of Khasra No. 404 situated in the revenue records of Village Mandawali Fazal Pur, Delhi to the petitioner;

(iv) Also declare that, w.e.f. 01.01.2014, the Respondent No. 4 is in illegal and un-authorised occupation of petitioners' land, in total measuring 02 Bighas and 11 Biswas, out of Khasra No. 404 situated in the revenue records of Village Mandawali Fazal Pur, Delhi;

(v) Direct the Respondent No. 4 to pay to the Petitioners 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 01.01.2014 till the time the actual and vacant possession of the petitioners' land, in total measuring 02 Bighas and 11 Biswas, out of Khasra No. 404 situated in the revenue records of Village Mandawali Fazal Pur, Delhi is restored to the Petitioner;

(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 13th November 1959, followed by declaration under Section 6 LAA on 17th June 1963. The impugned Award No.2179 was passed on 18th November 1968. 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 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.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 25, 2019 / tr