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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 8351/2018

DHARAMPAL AND ANR

..... Petitioners

Through: Mr Sukhbir Sejwal, Advocate.

versus

UNION OF INDIA AND ANR

..... Respondents

Through: Ms Sukhbeer Kour Bajwa, Advocate
for DDA.
Mr Yeeshu Jain, Standing Counsel for
LAC/L&B with Ms Jyoti Tyagi,
Advocates.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

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26.07.2019

1. The prayers in the petition read as under:

“It is, therefore, respectfully prayed that this Hon'ble Court may be pleased to issue a writ / order / direction in the nature of certiorari calling for the records of the acquisition proceedings with respect to the lands comprised in Khasra No. 940/614 total measuring 1 Bigha 19 Biswas to the extent of 1/4th share, situated in the revenue estate of Village Maidan Garhi, Tehsil- Saket, New Delhi, acquired vide Award. 23/1987-88 and further to pass appropriate writ, order or directions declaring the acquisition proceedings to have lapsed and have become inoperative under Sec. 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act of 2013 as no compensation has been paid to the petitioners and physical

possession of the lands of the petitioners have not been taken till date and petitioners are in actual physical possession of the same.

OR

Further to pass appropriate writ, order or direction, directing the respondents to returned/handover the actual physical possession of unutilized and vacant land of the petitioner to the petitioners.

OR

In the alternate direct the respondents to acquire afresh under the Right to Fair Compensation and Transparency in Land Acquisition of Rehabilitation Act, 2013 and further to pay compensation under the aforesaid Act.

Award cost of proceedings to the humble petitioner.”

2. The narration in the petition reveals that notification under Section 4 of the Land Acquisition Act, 1894 ('LAA') was issued on 25th November, 1980, followed by declaration under Section 6 LAA on 18th June, 1985. The impugned Award No. 23/1987-88 was passed on 17th June, 1987. 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 Petitioners seeks liberty to withdraw this petition with liberty to file a fresh petition giving a proper explanation for the inordinate delay in the Petitioners approaching the Court for relief.

5. The petition is dismissed as withdrawn with liberty prayed for.

S.MURALIDHAR, J

TALWANT SINGH, J

JULY 26, 2019
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