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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 8329/2018 and C.M.No.31949/2018 (Stay)

SHRI MOINUDIN KHAN

..... Petitioner

Through: Mr.Rajiv Kumar Ghawana, Advocate.

versus

GOVT. of NCT OF DELHI AND ORS.

..... Respondents

Through: Mr.Yeeshu Jain, Senior Standing
Counsel and Ms.Jyoti Tyagi,
Advocate for LAC/L&B.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

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24.07.2019

1. The prayers in the petition read as under:

“ (a) Issue a writ, order or declaration declaring that the entire acquisition proceedings i.e. Section 4 notification dated 23.6.1989, Section 6 declaration is dated 22.6.1990 and the award no.21/92-93 announced on 18.6.1992 in respect of the Petitioner's land in Khasra nos.409 min admeasuring 100 sq. yards situated in the Revenue Estate of Abul Fazal Enclave Part-II, Village Jasola New Delhi-110025 have lapsed in view of sub-section 2 of section 24 of "the right to fair compensation and transparency in, land acquisition, rehabilitation and resettlement act, 2013"; and

b) Issue a writ of mandamus directing the respondents not to in any manner whatsoever interfere with the peaceful enjoyment and possession of the said lands presently in possession and occupation 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 23rd June, 1989,

followed by declaration under Section 6 LAA on 22nd June, 1990. The impugned Award No.21/92 was passed on 18th June, 1992. 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 The petition is dismissed as withdrawn with liberty prayed for. The points urged in the counter affidavit filed by the LAC, and in the rejoinder thereto on behalf of the Petitioner, are left open to be raised at the appropriate stage.

S. MURALIDHAR, J.

JULY 24, 2019/mk

TALWANT SINGH, J.