

\$~41

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7268/2016**

PREM SINGH

..... Petitioner

Through: Mr.Prateek Kohli, Advocate.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr.Bhagwan Swaroop Shukla, CGSC
with Mr.Sarvan Kumar, Advocate for
UOI.

Mr.Sanjay K.Pathak with
Ms.K.K.Kiran Pathak, Advocates for
R2.

Mr.Pawan Mathur, Standing Counsel
for DDA.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE I.S.MEHTA

ORDER

16.04.2019

%

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 in respect of the land of the petitioner admeasuring 1000 sq. yds. forming part of khasra no. 252 min situated in the revenue estate of village Saidulajab, 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 direction in the nature of a writ of mandamus thereby directing the respondents not to interfere with the peaceful possession and enjoyment of land admeasuring 1000 sq. yds. forming part of khasra no. 252 min situated in the revenue estate of village Saidulajab, New Delhi.”

2. The narration in the petition reveals that notification under Section 4 of

the Land Acquisition Act, 1894 ('LAA') was issued on 5th November 1980, followed by declaration under Section 6 of the LAA on 21st May 1985. The impugned Award No.13/1987-88 was passed on 20th May 1987. There is no explanation in the petition for the inordinate delay in approaching the Court for relief.

3. This Court has in the series of orders including *Mool Chandv. 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 The petition is dismissed as withdrawn with liberty prayed for.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 the LAC and the DDA are reserved to be raised at the appropriate stage.

6. The interim order passed by this Court on 19th August 2016 which stood confirmed on 15th January 2018 is hereby vacated.

S. MURALIDHAR, J.

I.S. MEHTA, J.

APRIL 16, 2019/tr