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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 7361/2016

INDER RAJ AND ORS.

..... Petitioners

Through: Mr Arun Kumar Kaushik, Advocate.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Ms Mrinalini Sen, Standing Counsel
for DDA with Mr Tanmay Yadav,
Advocates for DDA.
Ms Ruchika Rathi, Advocate for
L&B/LAC.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

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14.02.2019

1. The prayers in the petition read as under:

- “a. Pass a writ, order or direction in the nature of appropriate writ, thereby declaring the acquisition proceedings initiated in respect of the land of the petitioners with respect to their land bearing Khasra No. 2639/742(00-08), 750(06-07) & 780(0-19) total measuring 07 Bigha and 14 biswas situated in the revenue estate of village, Tughlakabad, 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, and further issue order or direction thereby quashing the Award No. 50A/1969-70 (supplementary) of village Tughlakabad, Delhi thefeby the aforesaid land belonging to the petitioners or their

predecessor in interest acquired, to the extent of the aforesaid land, in the interest of justice;

- 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 the land of the petitioners bearing Khasra No. 2639/742 (0-08), 750(06-07) & 780(0-19) total measuring 07 Bigha and 14 biswas situated in the revenue estate of Village, Tughlakabad, Delhi, in the interest of justice;
- c. Pass such other or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. The narration in the petition reveals that notification under Section 4 of the Land Acquisition Act, 1894 ('LAA') was issued on 25th January 1965, followed by declaration under Section 6 LAA on 13th February 1969. The impugned Award was passed in 1969-70. 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 following the judgment of the Supreme Court in *Mahavir v. Union of India* (2018) 3 SCC 588 dismissing matters on account of delay and laches. The above observations have been followed by this Court in several orders including the order dated 17th January, 2019 in WP(C) No. 4528/2015 (*Mool Chand v. Union of India*) and similar petitions have been dismissed 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 the 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.

FEBRUARY 14, 2019

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