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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 7376/2016**

BHAJAN LAL & ORS.

..... Petitioner

Through: Mr.Arun Kumar Kaushik, Advocate.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr.Nikhil Rohagti and Mr. Shashank
Khurana, Advocates for DDA.
Mr.Siddharth Panda, Advocate for
LAC/L&B.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

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01.08.2019

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 being full share in Khasra No. 2640/742(01-06), 770(0-18), 886(01-09), 1201/1(01-15) total measuring 05 bighsas and 08 biswas and 40/456 share in Khasra No. 739(22-14)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 thereby the aforesaid land belonging to the petitioners or his predecessor 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 being full share in Khasra No. 2640/742(01-06), 770(0-18), 886(01-09), 1201/1(01-15) total measuring 05 bighas and 08 biswas and 40/456 share in khasra No. 739(22-14) situated in the revenue estate of Village, Tughlakabad, Delhi. In the interest of justice."

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 No. 50A/1969-70 was passed in the year 1969-70. 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.
6. The interim order dated 22nd August 2016 which stood confirmed on 7th November 2017 is hereby vacated.

S. MURALIDHAR, J.

TALWANT SINGH, J.

AUGUST 01, 2019/*mr*