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

+ **W.P.(C) 3490/2017**

SHAKEEL AHMED AND ORS

..... Petitioners

Through: Mr. Sumit Singh, Advocate.

versus

UNION OF INDIA AND ANR

..... Respondents

Through: Mr. Arun Birbal and Mr. Sanjay Singh, Advocates for R-DDA.
Mr. Yeeshu Jain and Ms. Jyoti Tyagi, Advocates for LAC/L&B.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

% **17.01.2019**

1. The prayers in this 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 record of the acquisition proceedings with respect to the lands comprised in Khasra nos. 237/1 (2-16), 238/1/2 (0-14), 239/1/1 (0-12) 242 (1-06), 244 (4-16), 252 (4-16), 253/1 (4-15) and 254/1/1 (1-03) total measuring 20 Bighas 18 situated in the revenue estates of village Pul Pehlad Pur, New Delhi, acquired vide Award No. 207/86-87 of the petitioners 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 in respect of the acquired land have been paid to the petitioners and their predecessors.

OR

Further to pass appropriate writ, order or direction, directing the respondents to return/handover the actual physical possession of unutilized and vacant land of the petitioners to the petitioners as per their share.

OR

In the alternative direct the respondent no.1 to acquire the 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 petitioners.

This Hon'ble Court may pass such other and further order as it deems fit and proper under the facts and circumstances of the case."

2. According to the narration in the petition, the notification under Section 4 of the Land Acquisition Act, 1894 ('LAA') was issued on 23rd January 1965 and a declaration under Section 6 was issued on 13th January 1969. The Award was passed way back on 17th September 1986. No explanation has been offered in the petition for the inordinate delay in approaching the Court for relief.
3. This Court has in a series of orders following the judgment of the Supreme Court in ***Mahavir v. Union of India (2018) 3 SCC 588*** dismissed similar matters on account of laches.
4. Learned Counsel for the Petitioner seeks leave to withdraw this petition with liberty to file a fresh petition properly explaining the inordinate delay in approaching the Court for relief.

5. Dismissed as withdrawn with liberty as prayed for. The interim order dated 24th April 2017 which was confirmed on 20th March 2018 stands vacated.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 17, 2019

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