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

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+ **W.P.(C) 5829/2017 & CM 44871/2017**

PRITAM SINGH BHARAL AND ORS. Petitioners

Through: Mr S.K. Rout and Mr Aman
Mehrotra, Advocates.

versus

UNION OF INDIA AND ORS. Respondents

Through: Mr Siddharth Panda, Advocate for R-
1&2.
Ms Shahana Farah, Advocate for
DDA.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

% **24.07.2019**

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 petitioners, admeasuring 11 Biswa bearing Khasra No. 130 situated in village-Masjid Moth in Award No. 1175 dated 30.07.1961, Distt. South, 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 mandamus thereby directing the respondents not to interfere with the peaceful possession and enjoyment of the land admeasuring 11 Biswa bearing Khasra No, 130 situated in Village-Masjid Moth, Distt. South, New Delhi.”

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

the Land Acquisition Act, 1894 ('LAA') was issued on 3rd September, 1957, followed by declaration under Section 6 LAA on 15th April, 1961. The impugned Award No. 1175 was passed on 30th July, 1961. 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 The petition is dismissed as withdrawn with liberty prayed for.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 pending application is also disposed of. The points urged in the counter affidavit filed by the Respondent Nos. 1 and 2 and the DDA, are left open to be raised at the appropriate stage.

S. MURALIDHAR, J.

TALWANT SINGH, J.

JULY 24, 2019

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