

\$~

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

32

+ **W.P.(C) 4371/2015**

JASWANT & ANR.

..... Petitioners

Through: Mr Sunil K. Goel, Advocate.

versus

GOVT. OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr Yeeshu Jain, Mr Siddharth Panda
and Ms Jyoti Tyagi, Advocates for
LAC/L&B.

Mr Dhanesh Relan, Standing Counsel
for DDA with Mr Komal, Advocates.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

%

06.02.2019

1. The prayers in the petition read as under:

- a) Issue a writ of mandamus or any other suitable writ, order of direction in like nature thereby holding ; that the acquisition proceedings resulting from the road no. 1260 of entire land falls in Khasra Nos. 432 min(3-0), 493 (12-08), 494 (3-0), total measuring area 18 Bigha -08 Biswa situated in Village- Chuakadi Mubarkabad, District-North west, Delhi is null, void and all subsequent proceedings conducted there in stood lapsed in view of the provisions of Section 24(2) of Right to fair Compensation and transparency in Land Acquisition, Rehabilitation And Resettlement Act,2013.
- b) Direct the respondent no. 3 to release the aforesaid land of the petitioners forming part of Khasra Nos. 432

min(3-0), 493 (12-08), and not dispossessed from the khasra no. 494 (3-0) total measuring area 18 Bigha -08 Biswa situated in Village- Chuakadi Mubarkabad, District-North west, Delhi.

- c) Issue any other or further order (s) as this Hon'ble Court may deem fit and proper in the facts and circumstance of the case, 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 13th November 1959, followed by declaration under Section 6 LAA on 26th October 1961. The impugned Award No.1260 was passed on 29th January 1962. 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 following the judgment of the Supreme Court in *Mahavir v. Union of India (2018) 3 SCC 588* dismissed similar matters on account of delay and 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 The petition is dismissed as withdrawn with liberty prayed for.

6. The interim order dated 5th May 2015 as confirmed on 20th December 2017 is hereby vacated.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

FEBRUARY 06, 2019
rd