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

+ **W.P.(C) 5069/2017**

SIRI CHAND SAINI AND ORS. Petitioners

Through Mr. Rajesh Gupta & Mr. Harpreet
Singh, Advocates

versus

UNION OF INDIA AND ORS. Respondents

Through Mr. Anil Dabas, Advocates for
Respondents No.1 & 2
Ms.Shobhna Takiar with Ms. Shivani
Jain, Advocates for Respondent/DDA
Mr. Yeeshu Jain & Ms. Jyoti Tyagi,
Advocates for Respondent/LAC/
L & B

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE I.S.MEHTA

ORDER

% **19.03.2019**

1. The prayers in the petition read as under:

“(I) Issue appropriate writ declaring that the impugned acquisition proceedings vis-a-vis subject-land (i.e. land comprised in Khasra Nos. 17//10 (0-17), 16//12(2-15), 16//13(2-19), 18(2-19), 16//30(1-11), 17//1/3(2-07), 17/2min(1-13), 18//5(0-04) admeasuring 15 bighas 5 biswas, situate in revenue estate of village Kureni, Delhi) stands lapsed under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013.

(II) Issue Certiorari and/or an appropriate writ, order or direction quashing the following impugned notifications and award vis-a-vis subject land:

(I) Notification no. F.1 (43)/63-L&H dated 30.10.1963 under Section 4 of LA ACT, 1894;

(II) Notification no F.15(84)/57-L&H dated 15.1.1969 under section 6 of LA ACT, 1894;

(III) Award no. 200/86-87 vis-a-vis subject-land (i.e. land comprised in khasra nos. 17//10 (0-17), 16//12(2-15), 167/13(2-19), 18(2-19), 16//30(1-11), 17//1/3(2-07), 17/2min(1-13), 18//5(0-04) admeasuring 15 bighas 5 biswas situated in revenue estate of admeasuring 17 biswas situated in revenue estate of village Kureni, Delhi).

(III) Writ of Mandamus and/or any other writ, order and direction directing respondents not to interfere with and/or obstruct the petitioners in their peaceful possession, occupation and enjoyment of the subject land i.e. land comprised in khasra nos. 17//10 (0-17), 16//12(2-15), 167/13(2-19), 18(2-19), 16//30(1-11), 17//1/3(2-07), 17/2min(1-13), 187/5(0-04) admeasuring 15 bighas 5 biswas situated in revenue estate of village Kureni, Delhi, and/or take forcible possession thereof from the petitioners.

(IV) Award costs of the writ petition in favour of the petitioner;

(V) Pass any other or further writ, order or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.”

2. The narration in the petition reveals that notification under Section 4 of the Land Acquisition Act, 1894 ('LAA') was issued on 30th October, 1963 followed by declaration under Section 6 of the LAA on 15th January, 1969. The impugned Award No.200/86-87 was passed in the year 1986. 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 in *Mool Chand v. Union of India 2019 (173) DRJ 595 (DB)*, following the judgment of the Supreme Court in *Mahavir v. Union of India (2018) 3 SCC 588* dismissed similar petitions 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 the 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 passed by this Court on 31st May, 2017 which stood confirmed on 8th November, 2017 is hereby vacated.

S. MURALIDHAR, J.

I.S. MEHTA, J.

MARCH 19, 2019

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