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

+ **W.P.(C) 8792/2018**

NEERAJ AND ORS.

..... Petitioners

Through

Mr.Arun K.Kaushik, Advocate

versus

UNION OF INDIA AND ORS.

..... Respondents

Through

Mr. Biraja Mahapatra with Mr. Sumit
Mishra, Advocates for Respondents
no.1 to 3

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

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29.07.2019

1. The prayer in the petition reads as under:

“a. Pass a writ, order or direction in the nature of writ of certiorari and/or any other suitable writ, order and/or direction declaring the entire acquisition proceedings, in respect of and in relation to the petitioners' land being 1/24 joint share in Khasra No. 202/2(01-00), 207(02-12), 208/2(01-16), 209(04-16), 210(02-14) &211(02-14), total land measuring 15 Bighas 12 Biswas, situated in the revenue estate of Village, Kotla Mahigram, Tehsil Mehrauli, Delhi, as deemed to have been lapsed in view of The Right to Fair Compensation and Land Acquisition and Rehabilitation and Resettlement Act, 2013 and further issue order or direction quashing the impugned award No. 205/1986-87 of Village Kotla Mahigram with respect to the land being 1/24 joint share in Khasra No. 202/2(01-00), 207(02-12), 208/2(01-16), 209(04-16), 210(02-14) & 211(02-14), total land measuring 15 Bighas 12 Biswas, situated in the revenue estate of Village, Kotla Mahigram, Tehsil Mehrauli, Delhi, to the extent of their respective share, in the interest of justice

and equity.”

2. The narration in the petition reveals that notification under Section 4 of the Land Acquisition Act, 1894 (‘LAA’) was issued on 6th April, 1964 followed by declaration under Section 6 LAA on 7th December, 1966. The impugned Award No.205/1986-87 was passed in the year 1986-87. 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 The petition is dismissed as withdrawn with liberty prayed for.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.

S. MURALIDHAR, J.

TALWANT SINGH, J.

JULY 29, 2019/mw