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

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SHAHABUDDIN

W.P.(C) 3639/2017

..... Petitioner

Through: Mr Mohd. Zeeshan and Mr Manzar
Ali, Advocates.

versus

GOVT. OF NCT OF DELHI & ANR

..... Respondents

Through: Mr Yeeshu Jain, Standing Counsel for
LAC/L&B with Ms Jyoti Tyagi,
Advocates.

Ms Shahana Farah and Mr Mohd.
Yunus, Advocates for DDA.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER
22.07.2019

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1. The prayers in the petition read as under:

“1. To issue Writ/Order/Direction in respect of the land in question bearing various Khasras area admeasuring 19 Bighas and 14 Biswa land situated in the revenue estate of village Okhia, Tehsil, Defence Colony, acquired Vide Award No. 95/83-84 dated 24.04.1984. Possession had been taken but no compensation has paid, which (award) has lapsed and become inoperative after coming into effect of right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation And Settlement Act Of 2013.

2. To direct them pay the compensation at current market rate or provide alternative plot of land similar size.

3. To direct them to pay the cost of litigation.”

2. The narration in the petition reveals that notification under Section 4 of the Land Acquisition Act, 1894 ('LAA') was issued on 4th April, 1964, followed by declaration under Section 6 LAA on 7th December 1966. The Impugned Award No. 95/83-84 was passed on 24th April, 1984. 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 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 The petition is dismissed as withdrawn with liberty prayed for.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 28th April, 2017 hereby stands vacated. The points urged in the counter affidavits of the LAC and the DDA, as well as in the rejoinders to the same on behalf of the Petitioner, are left open to be raised at an appropriate stage.

S. MURALIDHAR, J.

TALWANT SINGH, J.

JULY 22, 2019/rd