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

+ **W.P.(C) 7824/2016**

RAJESH TOKAS & ORS Petitioners

Through: Mr.Setu Niket, Advocate

versus

LT GOVERNOR OF DELHI & ORS Respondents

Through: Mr.Siddharth Panda, Advocate for
LAC / L & B Department.

Mr.Prasanta Varma, CGSC with
Ms.Shalu Goswami, Advocate for
UOI.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE I.S.MEHTA

ORDER

% **26.03.2019**

1. The prayers in the petition read as under:

“(a) allow the present Writ Petition in terms of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and in consequence thereof quash Notification No. F.15(17)/56-LSG(ii), u/s 6 of the Land Acquisition Act 1894, Award no. 883 dated 01/09/1958, and notification no. F.15(17)/51-LSG(i) dated 08th March'1957 under section 4 of the Land Acquisition Act, 1894 thereby declaring the acquisition to be deemed to have been lapsed;

(b) writ of Mandamus or any other appropriate writ, order or direction in the nature thereof, thereby directing the Respondents to denotify the share of the Petitioners in 1/4th share in khasra no. 116 (23-12), 1/2 share in khasra no.953/58

(0-5), 964/88 (2-12), 968/89(1-11); 1/8th share in khasra no. 63 (1-8), 569(6-2), 573(4-16), 31(13-4), 410(4-13) & 1/48th share in Khewat No. 118 on the land of Village Mohd. Pur, Munirka, Delhi;

(c) Award appropriate costs in the facts and circumstances of the case.

(d) Any other or further order or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case be passed/ issued in favour of the Petitioners.”

2. The narration in the petition reveals that notification under Section 4 of the Land Acquisition Act, 1894 ('LAA') was issued on 8th March 1957, followed by declaration under Section 6 of the LAA of the even date. The impugned Award No. 883 was passed on 1st September 1958. 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)***, 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 the proper explanation for inordinate delay in the Petitioner approaching the Court for relief.

5. The petition is dismissed as withdrawn with liberty prayed for. The pleas urged in the counter affidavits of the LAC / DDA are left open to be raised at an appropriate stage.

S. MURALIDHAR, J.

I.S. MEHTA, J.

MARCH 26, 2019

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