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

+ **W.P.(C) 9088/2016**

BRAHM SINGH

..... Petitioner

Through: Mr.Rahul Sharma with Ms.Jyoti Dutt
Sharma & Mr.C.K.Bhatt, Advocates.

versus

THE LT. GOVERNOR GNCT OF DELHI & ORS Respondents

Through: Mr.Ravi Prakash, CGSC with
Mr.Akash Mohan & Mr.Farman Ali,
Advocates.
Mr.Arun Birbal with Mr.Sanjay
Singh, Advocates for DDA.
Ms.Astha Tyagi with Mr.Anil Kumar,
Advocates for LAC/L&B.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

% **16.01.2019**

1. The prayers in the petition reads as under:

“In the aforesaid premises it is, therefore, most respectfully
prayed that this Hon'ble Court may be pleased to:

(a) Call for the records of the acquisition proceedings with
respect to the land comprised in Khasra no. 438 situated at
Village Gazipur, Delhi-110096 ad-measuring (2-17) acquired
vide Award No. 27D/ 70-71, announced on 23.03.1977; and

(b) Issue a writ, order or direction in the nature of mandamus or
any other writ, order or direction declaring the acquisition

proceedings in respect of land comprised in Khasra no. 438 situated at Village Gazipur, Delhi-110096 ad-measuring (2-17) to have lapsed and have become inoperative under section 24(2) of the Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 as neither possession of land of the Petitioner has been taken nor compensation with respect to land have been paid.

(c) issue a writ, order or direction in the nature of mandamus directing the revenue authorities to record the name of the Petitioners as owners/bhumidhars of the land comprised in Khasra no. 438 situated at Village Gazipur, Deihi-110096 ad-measuring (2-17);

(d) pass any further order(s) which this Hon'ble Court may deem fit in the facts and circumstances of the case and in the interests of justice.”

2. The narration is that in Delhi, land in bulk including the subject land in village Gazipur, was notified to be acquired in November, 1959 under Section 4 of the Land Acquisition Act, 1894 (LAA). Subsequent to the declaration under Section 6 LAA, the land was acquired by Award No.27D/70-71 on 23rd March 1977. There is an obvious inordinate delay of nearly four decades in the Petitioner 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 various writ petitions seeking similar reliefs 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. The petition is dismissed as withdrawn with liberty prayed for.

5. The interim order passed by this Court on 3rd October 2016 which stood confirmed on 4th May 2018 is hereby vacated.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 16, 2019

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