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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 8385/2016

BHAGWAT BHAKTI ASHRAM

..... Petitioner

Through: Mr. S.K. Rout and Mr. Aman
Mehrotra, Advocates

Versus

UNION OF INDIA & ORS.

..... Respondent

Through: Mr. Pawan Mathur, Standing Counsel
for the DDA

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

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06.08.2019

1. The prayers in the petition read as under:

“(a) pass a writ, order or direction in' the nature of a writ of declaration, declaring the acquisition proceedings initiated in respect of the land of the petitioner society, admeasuring 5 Bigha and 19 Biswa bearing Khasra No. 77/23 2 Bigha 4 Biswa and 156 min. 3 Bigha 15 Biswa, situated in Village Palam, District South West, New Delhi, as deemed to have lapsed in view of the provisions of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013:

(b)further pass a writ, order or direction in the nature of a writ of mandamus thereby directing the respondents not to interfere with the peaceful possession and enjoyment of the land admeasuring 5 Bigha and 19 Biswa bearing Khasra No. 77/23 2 Bigha 4 Biswa and 156 min. 3 Bigha 15 Biswa, situated in Village Paia, District South West, New Delhi.”

2. The narration in the petition reveals that notification under Section 4 of the Land Acquisition Act, 1894 ('LAA') was issued on 27th January, 1984, followed by declaration under Section 6 LAA dated 26th September, 1984. The impugned Award No.157/86-87 was passed on 19th September, 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 *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 The petition is dismissed as withdrawn with liberty prayed for.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 DDA are left open to be raised at the appropriate stage.

S. MURALIDHAR, J.

TALWANT SINGH, J.

AUGUST 06, 2019/pa