

\$~

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

44

+ **W.P.(C) 4413/2017**

PRAVEEN KUMAR SHARMA AND ORS.

..... Petitioners

Through: Mr Sunil K. Goel, Advocate.

versus

GNCT OF DELHI AND ORS.

..... Respondents

Through: Ms Ruchi Jain, Advocate for DDA.

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

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

%

24.07.2019

1. The prayers in the petition read as under:

a. Issue a writ of Mandamus or any other Direction[s] or order[s] in nature thereof thereby lapse the acquisition proceedings of land falls in Khasra No. 380 [3-02], situated in the revenue estate of Village Mehrauli, District-South; New Delhi measuring area 3 Bigha and 02 Biswa, which have been acquired vide award no. 75/1983-84, situated in the revenue estate of Village- Mehrauli, New Delhi,

b. Issue any other or further order[s] as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, in the interest of justice.”

2. The narration in the petition reveals that notification under Section 4 of the Land Acquisition Act, 1894 ('LAA') was issued on 24th October, 1961, followed by declaration under Section 6 LAA on 4th January, 1969. The impugned Award No. 75/1983-84 was passed on 9th December, 1983. 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 The petition is dismissed as withdrawn with liberty prayed for.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 DDA and LAC, are left open to be raised at the appropriate stage.

S. MURALIDHAR, J.

TALWANT SINGH, J.

JULY 24, 2019

rd