

\$~26

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

+ **W.P.(C) 5920/2017**

DHARMPAL SHARMA AND ORS	 Petitioners
Through	Mr. Arun Kumar Kaushik, Advocate
versus	
UNION OF INDIA AND ORS	 Respondents
Through	Mr. Arun Birbal, Advocate for Respondent/DDA Mr. Hemant Gupta, Advocate for Respondent no.5 Mr. Yeeshu Jain, Standing Counsel with Ms. Jyoti Tyagi, Advocate for LAC/L&B.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

% **02.08.2019**

1. The prayer in the petition reads as under:-

i) issue a writ of certiorari and/or any other writ, order or direction of the similar nature declaring the entire acquisition with respect to land of the Petitioners being full joint share in Khasra No. 455/1(02-18) and 1/12 joint share in Khasra No. 450(3-12), 451(9-11) & 453(02-19), situated in the revenue estate of Village Jasola, Tehsil Sarita Vihar, District South-East, Delhi, having lapsed and further quashing of the impugned Award No. 21/92-93 with respect to land of the Petitioners being full joint share in Khasra No. 455/1(02-18) and 1/12 share in Khasra No. 450(3-12), 451(9-11) & 453(02-19), situated in the revenue estate of Village Jasola, Tehsil Sarita Vihar, District South- East, Delhi, 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 23rd June, 1989, followed by declaration under Section 6 LAA on 22nd June, 1990. The

impugned Award No. 21/1992-93 was passed on 19th June, 1992. 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 The petition is dismissed as withdrawn with liberty prayed for.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 DMRC and in the rejoinder thereto on behalf of the Petitioner, are left open to be raised at the appropriate stage.

S. MURALIDHAR, J.

TALWANT SINGH, J.

AUGUST 02, 2019

mw