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

+ **W.P.(C) 10061/2016**

BRAHAM PRAKASH & ORS.

..... Petitioners

Through: Mr Anuraj Tirathankar, Advocate.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr Manish Mohan, CGSC for UOI
with Ms Manisha Saroha, Advocates.
Mr Arjun Pant, Advocate for DDA.
Mr Sanjay Kumar Pathak, Mr K.K.
Kiran Pathak, Advocates for GNCTD.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE I.S.MEHTA

ORDER

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23.04.2019

1. The prayers in the petition read as under:

“i) issue a writ of mandamus or any other appropriate writ, order or direction thereby, inter alia, declaring that acquisition proceedings in respect of the land belonging to the petitioners i.e., to the extent of 1/3rd share each in land (9-11 bigha) falling in Khasra No. 26 situated in the revenue estate of Village Masoodpur, New Delhi, have been lapsed on the commencement of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013;

ii) issue a writ or any other appropriate writ, order or direction thereby direct the respondents not to interfere in the peaceful possession of the petitioners qua the land subject matter of the present writ petition; iii) Issue a writ or any other appropriate writ, order or direction thereby direct the respondent to correct the revenue record by reflecting the names of petitioner in respect of land measuring 4 bigha in Khasra No. 31, in Village Masoodpur,

New Delhi as owner in place of the Union of India i.e. respondent no. 1.”

2. The narration in the petition reveals that notification under Section 4 of the Land Acquisition Act, 1894 (‘LAA’) was issued on 23rd January 1965, followed by declaration under Section 6 of the LAA on 23rd December, 1968. The impugned Award No.90/80-81 was passed on 22nd December 1980. There is no explanation in the petition for the inordinate delay in approaching the Court for relief.

3. This Court has in the 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 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 affidavits of the LAC and the DDA are reserved to be raised at the appropriate stage.

S. MURALIDHAR, J.

I.S. MEHTA, J.

APRIL 23, 2019/rd