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

+ **W.P.(C) 10794/2016**

KAUSHALYA AND ANR. Petitioners

Through: Mr. Arun Kumar Kaushik, Advocate

versus

UNION OF INDIA AND ORS. Respondents

Through: Mr. Yeeshu Jain & Ms. Jyoti Tyagi,
Advocates for Respondent/LAC/L & B

Ms. Mrinalini Sen & Ms. Niharika Jauhari,
Advocates for Respondent/DDA

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE VINOD GOEL

ORDER

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08.02.2019

1. The prayer in the petition read as under:

“a. Pass a writ, order or direction in the nature of appropriate writ, thereby declaring the acquisition proceedings initiated in respect of the land of the petitioners/predecessor in interest of the So petitioners being 1/160 Joint Share in Khasra No. 121(08-11), 122(13-05), 123(02-12), 128(22-07), 129(03-00), 134(28-06), 135(04-10), 138(04-06), 141(01-08), 142(02-01), 143(08-15), 144(06-04), 149 min (03-00) and 150 min (06-17), situated in the revenue estate of Village Nangli Razapur, Tehsil Defence Colony, District South-East, 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, and further issue order or direction thereby quashing the Award No. 16/1992-93 of Village Nangli Razapur, Delhi thereby the aforesaid land belonging to the petitioners or their predecessor in interest acquired, to the extent of the aforesaid land,

b. pass any other or further order(s) which this Hon'ble Court may deem

fit and proper 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 of the LAA on 22nd June, 1990. The impugned Award No.16/1992-93 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 following the judgment of the Supreme Court in *Mahavir v. Union of India (2018) 3 SCC 588* and *Indore Development Authority v. Shailendra (2018) 3 SCC 412* dismissed similar matters 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.

5. The petition is dismissed as withdrawn with liberty prayed for.

S. MURALIDHAR, J.

VINOD GOEL, J.

FEBRUARY 08, 2019
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