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

+ **W.P.(C) 5352/2017**

RAJESH CHADHA AND ANR. Petitioner

Through: Ms. Esha Mazumdar, Advocate.

versus

LT GOVERNOR OF DELHI AND ORS. Respondents

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

Mr. Roshan Lal Goel and Ms. Anju
Gupta, Advocates for DDA/R-2.

CORAM:

HON'BLE DR. JUSTICE S.MURALIDHAR

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **21.02.2019**

1. The prayer in this petition reads as under:

“(a) Allow the present Writ Petition in terms of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and in consequence thereof, declare the acquisition qua khasra no.116 (3-2) vide Award no. 1713 dated 30/10/1963, village Naraina, to be deemed to have been lapsed;

(b) writ of Mandamus or any other appropriate writ, order or direction in the nature thereof, thereby directing the Respondents to denotify the lands of the Petitioners bearing Khasra No. 116 on the land of Village Naraina, Delhi;

(c) Award appropriate costs in the facts and circumstances of the case.

(d) Any other or further order or direction which this Hon'ble

Court may deem fit and proper in the facts and circumstances of the case be passed/ issued in favour of the Petitioners.”

2. According to the narration in the petition, the notification under Section 4 of the Land Acquisition Act, 1894 (‘LAA’) was issued on 3rd September 1957 followed by declaration under Section 6 LAA on 24th December 1962. The impugned Award No.1713 was passed way back on 30th October 1963.

3. The Petitioners state that they challenged the acquisition proceedings by filing W.P. (C) No. 444 of 1981 in this Court. They state that the said writ petition was dismissed on the ground of delay. They next filed a suit for declaration and permanent injunction which was dismissed by this Court by a judgment dated 16th August 1982 reported as ***Girdhari Lal Chadha v. Union of India ILR 1983 Delhi 630***. The Petitioners claim that till date they have not received compensation and are, therefore, entitled to relief under Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (‘the 2013 Act’).

4. The stand of the Respondent LAC is that the amount was deposited in the treasury. Both the LAC and the DDA point out that nothing is stated in the petition as to why the Petitioners have waited for over three decades to claim relief. There are other objections on merits as well.

5. Indeed there is no explanation in the petition for the inordinate delay in approaching the Court for relief. 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***, including the order dated 17th January 2019 in W.P

4528/2015 (*Mool Chand v. Union of India*), dismissed similar matters on account of delay and laches

6. Learned Counsel for the Petitioners states that the Petitioners have been making representations for payment of compensation. She wishes to bring these details on record. She accordingly seeks leave to withdraw this petition with liberty to file a fresh petition properly explaining the inordinate delay in approaching the Court for relief.

7. The petition is dismissed as withdrawn with liberty as prayed for. The contentions of the Respondents are left open to be urged at the appropriate stage in such proceedings, if any.

8. The interim order dated 21st June 2017 which was confirmed on 9th January 2018 is hereby vacated.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

FEBRUARY 21, 2019

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