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

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+ **W.P.(C) 10407/2016**

SHRI BABU & ORS Petitioners

Through: Inder Singh, Advocate.

versus

LAND ACQUISITION COLLECTOR EAST & ANR. Respondents

Through: Ms Astha Tyagi, Advocate for
No.1/LAC.

Mr Dhanesh Relan, Advocate for
DDA.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

% **19.07.2019**

1. The prayers in the petition read as under:

“It is, therefore, respectfully prayed that this Hon'ble court may be pleased to issue a writ/order/ direction in nature of certiorari calling for the records of the acquisition proceedings in respect of the land comprised in khasra no. 74/1(0-15) and 76/1(1-01) total area measuring 1 Bigha and 16 Biswas having half share of the petitioners situated in the revenue estate of Village Chilla Saroda Bangar, Delhi acquired vide Award Mo.52E/71-72 (Suppl.)and further to issue appropriate writ, order or direction declaring the acquisition proceedings having lapsed and have become inoperative after the coming into force of Right to Fair Compensation and transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.
Award cost of the proceedings to the humble petitioner.”

2. The narration in the petition reveals that notification under Section 4 of

the Land Acquisition Act, 1894 ('LAA') was issued on 13th November, 1959, followed by declaration under Section 6 LAA on 20th June, 1966. The Impugned Award No.52E/71-72 (supply.) was passed on 23rd March, 1977. 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 inordinate delay in the Petitioners approaching the Court for relief.

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 The petition is dismissed as withdrawn with liberty prayed for.

6. In that view of the matter, the interim order passed by this Court on 4th November 2016 which stood confirmed on 24th October 2017 hereby stands vacated. The points urged in the counter affidavits of the Respondents are left open to be raised at the appropriate stage.

S. MURALIDHAR, J.

TALWANT SINGH, J.

JULY 19, 2019
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