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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 5694/2017

RADHA KRISHAN AND ORS

..... Petitioners

Through: Mr Arun Kumar Kaushik, Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr Sanjay Kumar Pathak, Ms K.K. Kiran Pathak, Mr Sunil Kumar Jha and Mr M.S. Akhtar, Advocates for R-3&4.

Mr R.K. Dhawan, Additional Standing Counsel for DDA.

Mr Hemant Gupta and Mr Alok Sharma, Advocates for DMRC.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

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11.07.2019

1. The prayers in the petition read 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 9 Bighas 01 Biswa of land of the Petitioners comprised in Khasra No.433(05-01) & 434(04-00), situated in the revenue estate of Village Jasola, Tehsil Sarita Vihar, New Delhi having lapsed and further quashing of the impugned the Award No. 21/92-93 with respect to 09 Bigha 01 Biswa of land

of the Petitioners comprised in Khasra No. 433(05-01) & 434(04-00), situated in the revenue estate of Village Jasola, Tehsil Sarita Vihar, New Delhi or in alternative the petitioner be paid the compensation amount as per the provisions of section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition and Rehabilitation and Resettlement Act, 2013, in the interest of justice, equity;

(ii) Further issue a writ, order (s) or direction(s), thereby directing the respondents to handover the vacant & peaceful possession”

2. The narration in the petition reveals that a notification under Section 4 of the Land Acquisition Act, 1894 (‘LAA’) was issued on 23rd June 1989, followed by declaration under Section 6 and 17 of the LAA on 22nd June 1990. The Impugned Award No.21/92-93 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 Petitioner seeks liberty to withdraw this petition with liberty to file a fresh petition giving the proper explanation for inordinate delay by the Petitioner in 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/ADM and DMRC are permitted to be raised at the appropriate stage.

S. MURALIDHAR, J.

TALWANT SINGH, J.

JULY 11, 2019
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