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

+ **W.P.(C) 9842/2018 & CM Appl.No. 38357/2018**

RADHEY SHYAM SHARMA Petitioner
Through Mr. Lalit Kumar Rawal &
Mr.Siddharth Gupta, Advocates

versus

GOVT. OF NCT OF DELHI AND ORS. Respondents
Through Mr. Yeeshu Jain with Ms. Jyoti
Tyagi, Advocates for Respondent/LAC/L & B

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

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16.01.2019

1. The prayer in the petition reads as under:

“a. Issue a writ of mandamus or any other suitable writ order or direction in the like nature thereby holding that the acquisition Proceedings resulting from the Award No. No.21 / DC (EAST) / 2004-05 DATED 21/12/2004, of Village KARKAR DOOMA, Delhi- in respect of land of bearing Khasra No.1387 land measuring 02 Bigha 01 Biswas (i.e.2050 Sq.Yds. Grand Mother of the Petitioner is subsequent purchaser and the petitioner claim only 09 Biswas i.e. 450 sq.yds. through Special Power of Attorney out of total land 02 Bigha 01 Biswas) Situated in the Revenue Estate of Village Karkar Dooma, Shahdra, Delhi is null, void and all subsequent proceedings conducted therein stood lapsed in view of the provisions of Section 24(2) of Right to Fair Compensation and Transparency in Land. Acquisition and Resettlement Act, 2013.

b. Direct the respondents to release the aforesaid land of the Petitioner forming part of Khasra No.1387 land measuring 02 Bigha 01 Biswas i.e.2050 Sq.Yds. Petitioner is subsequent purchaser and the petitioner

claim only 09 Biswas i.e. 450 sq.yds.(through Special Power of Attorney) out of total land 02 Bigha 01 Biswas) Situated in the Revenue Estate of Village Karkar Dooma, Shahdra, Delhi- form acquisition proceedings.

b. Any other and further relief which this Hon'ble court may deem fit and proper under the circumstances of the case may also be allowed in favour of the Petitioner.”

2. The narration in the petition reveals that the land in question was acquired by Award No.21/DC (EAST)/2004-05 which was passed on 21st December 2004 under the Land Acquisition Act, 1894 (LAA). 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* dismissed similar matters on account of delay and laches.

3. 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 in the Petitioner approaching the Court for relief.

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 The petition is dismissed as withdrawn with liberty prayed for.

5. Interim order dated 24th September, 2018 stands vacated.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 16, 2019/mw