

\$~31

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

+ **W.P.(C) 11462/2016**

MOHD ABUL FAZAL FAROOQI

..... Petitioner

Through: Mr. S.K. Rout, Advocate with Mr.
Vikram Singh, Advocate.

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr. Arun Birbal, Advocate with Mr.
Ajay Birbal, Advocate for DDA.
Mr. Yeeshu Jain, Advocate with Ms.
Jyoti Tyagi, Advocate for L&B/LAC.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

% **26.02.2019**

1. The prayers in this petition read as under:

“a. pass a writ, order or direction in' the nature of a writ of declaration, declaring the acquisition proceedings initiated in respect of the land of the petitioner, land admeasuring 06 Bigha and 11 Biswa bearing Khasra No's 338/227(02-00) and 232(04-11) situated in Village Okhla, 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:

b. further pass a writ, order or direction in the nature of a writ of mandamus thereby directing the respondents not to interfere with the peaceful possession and enjoyment of the land admeasuring 06 Bigha and 11 Biswa bearing Khasra No's 338/227(02-00) and 232(04-11) situated in Village Okhla, District South-East, New Delhi.”

2. According to the narration in the petition, the notification under Section 4 of the Land Acquisition Act, 1894 ('LAA') was issued on 14th July 1980 and a declaration under Section 6 of LAA was issued on 29th April 1981. The impugned Award No. 94/83-84 was passed way back on 24th February 1984. In the entire petition, there is no explanation offered for the inordinate delay in approaching the Court for relief.

3. This Court has in the series of orders following the judgment of the Supreme Court in *Mahavir v. Union of India (2018) 3 SCC 588* dismissed matters on account of delay and laches. The above decision has also been followed by this Court in several orders including the order dated 17th January, 2019 in WP(C) No. 4528/2015 (*Mool Chandv. Union of India*) and similar petitions have been dismissed on the ground of laches.

4. Learned Counsel for the Petitioner seeks leave to withdraw this petition with liberty to file a fresh petition properly explaining the inordinate delay in approaching the Court for relief.

5. Dismissed as withdrawn with liberty as prayed for. The interim order dated 5th December 2016 confirmed on 21st November 2017 is hereby vacated.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

FEBRUARY 26, 2019/ss