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

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+ **W.P.(C) 10553/2018 & CM 41554/2018**

KULDEEP MANN AND ORS.

..... Petitioners

Through: Mr S. Chatuvedi, Advocate for Mr
M.C. Verma, Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Ms Abha Malhotra, Senior Counsel
for UOI/R-1 & 2.
Ms Ruchika Rathi, Advocate for
LAC.
Mr Anil Khullar, Advocate for DDA.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

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25.01.2019

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 land comprised in Khasra nos. 55//3/2 total land measuring 03 Bigha 05 Biswa situated in the revenue estate of village Pehlad PurBanger, Delhi having lapsed as per u/s 24(2) of New LA Act-2013, and further quashing the impugned notification No. 10(29)/96/L&B/LA/11394 dated 27.10.1999 issued under section 4, Notification No. 10(29)/96/L&B/LA/20 Dated 03.04.2000 issued under section 6 of the Land Acquisition Act, 1894 and the Award no. 14/2002-03 & 14A/02-03 with respect to 03 Bigha 05 Biswa of above said Land, situated in the revenue estate of village Pehlad

Pur Banger, Delhi.

- (II) Issue a writ of mandamus and/or any other writ, order and direction of the similar nature issuing directions to the Respondents not to disturb the physical possession and enjoyment of the Petitioners with respect to 3 Bigha 05 Biswa of Land comprised in Idiasra nos. 55//3/2 situated in the revenue estate of village Pehlad Pur Banger, Delhi.
- (III) Issue MANDAMUS and/or any other Writ, Order or direction in the Hke nature commanding the respondents not to interfere, with and/or obstruct the petitioners in peaceful enjoyment of the subject lands (detailed in Para 5) situate in village Pehladpur Banger, Delhi;
- (IV) Pass any other or further writ, order or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.”

2. The narration in the petition reveals that notification under Section 4 of the Land Acquisition Act, 1894 ('LAA') was issued on 27th October 1999, followed by declaration under Section 6 LAA on 3rd April, 2000. The impugned Award 14/2002-03 was passed on 8th July, 2002. 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 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.

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 a proper

explanation for inordinate delay in the Petitioner approaching the Court for relief.

5. The petition is dismissed as withdrawn with liberty prayed for. Pending application is also dismissed. The interim order dated 5th October 2018 is hereby vacated.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 25, 2019

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