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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 10842/2018 & CM 42306/2018

OM PRAKASH

..... Petitioner

Through: Mr M.C. Verma, Advocate.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr Chiranjeev Kumar and Mr
Mukesh Sachdev, Advocates for
UOI.
Ms Abha Malhotra and Mr Abhishek
Kamal, Advocates for R-1 & 2.
Mr Anil Kumar Khattar, Advocate for
DDA.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

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30.01.2019

1. The prayers in the petition read as under:

- “a) Issue a writ, of certiorari and/or any other writ, order or direction of the similar nature declaring the entire acquisition with respect to the land comprised in khasra nos. 56//9 total land measuring 638 sq. yds. situated in the Abadi/Colony known as Param Enclave (Kishan Colony), revenue estate of village Pehlad Pur B;anger, Delhi having lapsed as per u/s 24(2) of New LA Act-2013, and further quashing the impugned notification No. F.,11(19)/01/L&B/LA/20112 dated 21.03.2003 issued under section 4, Notification No. F.1 1(15)/2004/L&B/LA/28227 Dated 03.2004 issued under section 6 of the Land Acquisition Act, 1894 and the

Award no. 06/2005-06 with respect to 638 sq. yds. of above said Land, situated in the revenue estate of village Pehlad PurBanger, Delhi as per law.

AND

- b) 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 Petitioner with respect to 638 sq. yds. of Land comprised in Khasra nos. 56//9 situated in the Abadi/Colony known as Paran Enclave (Kishan Colony) revenue estate of village Pehlad Pur Banger, Delhi.
- c) Award costs of the writ petition in favour of the petitioner;
- d) Pass any other or further writ, order or direction which this Honble 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 21st March, 2003, followed by declaration under Section 6 LAA on 19th March, 1966. The impugned Award No. 06/2005-06 was passed on 12th July, 2005. 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 10th October 2018 hereby stands vacated.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 30, 2019