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

+ **W.P.(C) 6218/2017 & CM APPL. 25838/2017 (for stay)**

RAJ BALA & ORS

..... Petitioners

Through: Mr. Rahul Sharma, Advocate with
Ms. Jyoti Dutt Sharma, Mr. C.K.
Bhatt, Mr. Himanshu Gautam and Mr.
Bilal Ali, Advocates.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Sanjay Kumar Pathak, Advocate
with Mr. Sunil Kumar Jha and Mr.
M.S. Akhtar, Advocates for
LAC/L&B/ GNCTD.
Ms. Shweta Anand, Advocate for Ms.
Shobhana Takiar, Advocate for DDA.

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE I.S.MEHTA

ORDER
23.05.2019

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1. The prayers in the petition read as under:

“(a) Call for the records of the acquisition proceedings with respect to the land i.e Khasra No. 228/1 (2-16), 229 (4-04), 230/1 (2-12), 250 (4-16), 251 (4-16), 252/2 (2-16), 269/1 (2-00), 270 (4-16) total measuring 28 Bighas 16 Biswas, situated in the revenue estate of Village Kotla Mahigram, Tehsil-Mehrauli, New Delhi acquired vide Award No. 205/1986-87;

(b) issue a writ, order or direction quashing the impugned notification no. F.4(9)/64 L&H dated 06.04.1964 issued under Section 4, notification no. F.4(9)/1964/L&H dated 07.12.1966

issued under section 6 of the Land Acquisition Act, 1894 and the award no. 205/1986-87 of Village Kotla Mahigram;

(c) Issue a writ, order or direction in the nature of mandamus or any other writ, order or direction declaring the acquisition proceedings in respect of land to the extent of 1/3rd of the 1/4th joint share in Khasra No. 228/1 (2-16), 229 (4-04), 230/1 (2-12), 250 (4-16), 251 (4-16), 252/2 (2-16), 269/1 (2-00), 270 (4-16) total measuring 28 Bighas 16 Biswas, situated in the revenue estate of Village Kotla Mahigram, Tehsil-Mehrauli, New Delhi to have lapsed and have become inoperative under section 24(2) of the Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013;

(d) issue a writ, order or direction in the nature of mandamus directing the revenue authorities to record the name of the Petitioners as owners of the land i.e Khasra No. 228/1 (2-16), 229 (4-04), 230/1 (2-12), 250 (4-16), 251 (4-16), 252/2 (2-16), 269/1 (2-00), 270 (4-16) total measuring 28 Bighas 16 Biswas, situated in the revenue, estate of Village Kotla Mahigram, Tehsil-Mehrauli, New Delhi to the extent of 1/3rd of the 1/4th joint share therein.”

2. The narration in the petition reveals that notification under Section 4 of the Land Acquisition Act, 1894 ('LAA') was issued on 6th April 1964, followed by declaration under Section 6 of the LAA on 7th December 1966. The impugned Award No. 205/1986-87 was passed on 8th May 1986. 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 Petitioners seek liberty to withdraw this petition with liberty to file a fresh petition giving a proper explanation for the inordinate delay in the Petitioners approaching the Court for relief.

5. The petition is dismissed as withdrawn with liberty prayed for. The pending application is also dismissed. The points urged in the counter affidavits of the DDA and the LAC are left open to be raised at the appropriate stage.

S. MURALIDHAR, J.

I.S. MEHTA, J.

MAY 23, 2019

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