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

+ **W.P.(C) 6272/2017 & CM APPL. 25982/2017**

NEERA MARWAH & ORS. Petitioners

Through: Mr. Arun Kumar Kaushik and
Mr. Devender Kumar, Advocates

versus

UNION OF INDIA & ORS. Respondents

Through: Mr. Amit Acharya, Advocate for UOI
Mr. Yeeshu Jain and Ms. Jyoti Tyagi,
Advocates for L&B/LAC

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

17.07.2019

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1. The prayers in the petition read as under:

“(a) Pass a writ, order or direction in the nature of appropriate writ, thereby declaring the acquisition proceedings initiated in respect of the land of the petitioners with respect to their land being 1/3 joint share in Khasra no. 743(12-06) & 744(01-03) total measuring 13 Bighas and 09 Biswas, and being 84/456 joint share in Khasra no. 739(22-16), situated in the revenue estate of village, Tughlakabad, 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, and further issue order or direction thereby quashing the Award No. 5 OA/1969-70 (supplementary) of village Tughlakabad, Delhi thereby the aforesaid land belonging to the petitioners or his predecessor acquired, to the extent of the aforesaid land, in the interest of justice;

(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 of the

petitioners being 1/3 joint share in Khasra no. 743(12-06) & 744(01-03) total measuring 13 Bighas and 09 Biswas, and being 84/456 joint share in Khasra no. 739(22-16), situated in the revenue estate of village Tughlakabad, Delhi, in the interest of justice.”

2. The narration in the petition reveals that notification under Section 4 of the Land Acquisition Act, 1894 (‘LAA’) was issued on 23rd January, 1965, followed by declaration under Section 6 of LAA on 13th January, 1969. The Impugned Award No. 50A/1969-70 was passed on 4th November 1981. 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 seeks liberty to withdraw this petition with liberty to file a fresh petition giving the proper explanation for inordinate delay in the Petitioners approaching the Court for relief.
5. The petition is dismissed as withdrawn with liberty prayed for. Pending application stands disposed of. The points urged in the counter affidavit of the LAC are left open to be raised at the appropriate stage.

S. MURALIDHAR, J.

TALWANT SINGH, J.

JULY 17, 2019/PB