

\$~40

\*

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

+

**W.P.(C) 11942/2016**

**SHAMEEM BEGUM**

..... Petitioner

Through: Mr.Rajiv Kumar Ghawana, Advocate

versus

**GOVT. OF NCT OF DELHI & ORS**

..... Respondents

Through: Mr.Sanjay Kumar Pathak, Advocate  
with Mr.Sunil Kumar Jha, Advocate  
for R-1 &  
R-2.  
Ms.Shobhana Takiar, Advocate for  
DDA.

**CORAM:**

**JUSTICE S.MURALIDHAR**

**JUSTICE REKHA PALLI**

**ORDER**

%

**06.05.2019**

1. The prayers in the petition read as under:

“a) issue a writ, order or declaration declaring that the entire acquisition proceedings i.e. Section 4 notification dated 23.6.1989, Section 6 declaration is dated 22.6.1990 and the award no.21/92-93 announced on 18.6.1992 in respect of the Petitioner's land comprised in Khasra nos.461 admeasuring 100 sq. yards, situated in the Revenue Estate of Village Jasola, Delhi have lapsed in view of sub-section 2 of section 24 of “THE RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT ACT, 2013”; and

b) issue a writ of mandamus directing the respondents not to in any manner whatsoever; interfere with the peaceful enjoyment

and possession of the said lands presently in possession and occupation of the Petitioner.”

2. The narration in the petition reveals that notification under Section 4 of the Land Acquisition Act, 1894 (‘LAA’) was issued on 23<sup>rd</sup> June 1989, followed by declaration under Section 6 of the LAA on 22<sup>nd</sup> June 1990. The impugned Award No. 21/92-93 was passed on 18<sup>th</sup> June 1992. There is no explanation in the petition for the inordinate delay in approaching the Court for relief.

3. This Court has in the 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 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 The petition is dismissed as withdrawn with liberty prayed for.

6. The interim order passed by this Court on 21<sup>st</sup> December 2016 which stood confirmed on 25<sup>th</sup> October 2017 is hereby vacated. The grounds urged in the counter affidavits of the LAC and the DDA are left open to be urged at the appropriate stage.

**S. MURALIDHAR, J.**

**REKHA PALLI, J.**

**MAY 06, 2019**

*mr*