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

+ **W.P.(C) 10750/2018 & CM Appl.No. 41871/2018 (stay)**

SH. BIR SINGH AND ORS. Petitioners

Through: Mr. Arun Kumar Kaushik, Advocate
versus

UNION OF INDIA AND ORS. Respondents

Through: Ms. Beenashaw N.Soni, ASC for
Respondent/DDA
Mr. Yeeshu Jain & Ms. Jyoti Tyagi, Advocates for
Respondent/LAC/L & B

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

% **28.01.2019**

1. The prayers in the petition read as under:-

“a. Pass a writ, order or direction in the nature of writ of declaration, thereby declaring the acquisition proceedings initiated in respect of the land of the petitioners with respect to their land i.e. $\frac{3}{4}$ share in Khasra No.222(00-05), situated in the revenue estate of Village Kotla Mahigram, Tehsil-Mehrauli, 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 quashing the impugned award No. 205/1986-87 of Village Kotla Mahigram. Delhi, to the extent of the aforesaid land belonging to the petitioners or their predecessors in interest was acquired, in the interest of justice, equity;

b. Further pass a writ (s), order(s) or direction(s) in the nature of a writ of mandamus thereby directing the respondents not to interfere with the peaceful possession and enjoyment of the land being $\frac{3}{4}$ share in Khasra No. 222 (00-05), situated in the revenue estate of Village Kotla Mahigram, Tehsil-Mehrauli, Delhi, to the extent of the aforesaid land of the petitioners, in the interest of justice;

c. Pass such other or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

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 in the year 1986-87. 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 Petitioners seeks liberty to withdraw this petition with liberty to file a fresh petition giving a proper explanation for inordinate delay in the Petitioners approaching the Court for relief.

5. The petition is dismissed as withdrawn with liberty prayed for. The application is also dismissed.

6. The interim order dated 8th October, 2018 is hereby vacated.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 28, 2019/mw