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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 10997/2018**

SHRI PREM SINGH TOKAS AND ORS.

..... Petitioners

Through: Mr. I. S. Dahiya, Advocate.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr. Yeeshu Jain and Ms. Jyoti Tyagi,
Advocates for LAC/L&B.
Mr. Sanjeev Sagar, Standing Counsel
DDA with Ms. Nazia Parveen,
Advocate.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

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30.01.2019

1. The prayers in this petition read as under:

“(i) Issue a writ of certiorari or any other appropriate writ, order or direction to call the record pertaining to the land of petitioners comprising in Khasra No. 51(1-03) and 52(1-00), total measuring 2 bigha 03 biswas, situated in the revenue "estate of village Humayunpur, Delhi, from the office of respondents; AND

(ii) Issue a writ of mandamus or any other appropriate writ, order or direction for quashing the acquisition proceedings in respect of land comprising in Khasra No. 51(0-04) and 52(0-04), total measuring 08 biswa, situated in the revenue estate of village Humayunpur, Delhi, which was acquired vide Award No. 1170 dated 24.07.1961, of village Humayunpur, Delhi, under the Land Acquisition Act, 1894, but its possession has not been taken by the appropriate government till date;

AND

The acquisition qua. the land of Khasra No. 51(0-19) and 52(0-16) total measuring 1 bigha 15 biswa, situated in the revenue estate of village Humayunpur, Delhi, which was acquired vide aforesaid award, under the Land Acquisition Act, 1894, be also quashed as its compensation has not been paid to the land owners i.e. petitioners and also issue direction to the respondents to hand over its possession to the petitioners or in alternate the appropriate authorities/respondents be directed to acquired the aforesaid land under Section 24 (2) of Right to Fair Compensation & Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013;

(iii) Award costs of the present petition in favour of the petitioners and against the respondents; and

(iv) Issue any other or further appropriate writ, order or direction as this Hon'ble Court deems fit and proper in the facts and circumstances of the case, in favour of the petitioners and against the respondents.”

2. According to the narration in the petition, the notification under Section 4 of the Land Acquisition Act, 1894 ('LAA') was issued on 3rd September 1957 followed by declaration under Section 6 LAA on 7th January 1961. The impugned Award was passed way back on 29th September 1975.

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. In that view of the matter, learned counsel for the Petitioner seeks leave to withdraw this petition with liberty to file a fresh petition properly explaining the inordinate delay in approaching the Court for relief.

4. Dismissed as withdrawn with liberty as prayed for.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 30, 2019

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