

\$~34

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

+ **W.P.(C) 7317/2015**

NARESH KUMAR & ORS

..... Petitioners

Through: Mr.Dhruv Sharma, Advocate for P5,
P6 & P13.

versus

UNION OF INDIA & ANR

..... Respondents

Through: Mr.Pawan Mathur, Standing Counsel
for DDA.
Mr.Yeeshu Jain, Standing Counsel
with Ms.Jyoti Tyagi, Advocate for
L&B /LAC.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

07.01.2019

%

1. The prayers in this writ petition are as follows:

“It is, therefore, respectfully prayed that this Hon Court may be pleased to issue a writ / order / direction in the nature of certiorari calling for the records of the acquisition proceedings with respect to the lands comprised in khasra no. 193 (193/2 min) admeasuring 04 bighas 13 biswas situated in the revenue estate of Village Lado Sarai, Tehsil- Huaz Khas, Mehrauli, New Delhi and further to pass appropriate writ, order or directions declaring the acquisition proceedings to have lapsed and have become inoperative under sec.24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act of 2013 as physical possession of the lands of the petitioner has not been taken. Award cost of proceedings to the humble petitioner.

The Hon Court may pass such other and further order as it deems fit and proper under the facts and circumstances of the case.”

2. In the counter-affidavit filed by the DDA it is pointed out that physical possession of the acquired land in Khasra No.193/2 (4-13) was handed over to the DDA by the LAC on 24th June 1980 and was further transferred to the Horticulture Department. It is further contended that compensation and enhanced compensation have already been received by the Petitioners although this is disputed by the Petitioners.

3. There is no valid explanation in the petition for the inordinate delay in approaching the Court for relief. It appears that the predecessors-in-interest of the Petitioners had earlier filed writ petitions in this Court which stood dismissed way back in 1995. With there being no valid explanation to inordinate delay in approaching the Court for relief the petition is dismissed on the ground of laches.

S.MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 07, 2019

tr