

\$~55

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

+ **W.P.(C) 11886/2018**

ATULYA PROPERTIES AND BUILDERS PVT LTD..... Petitioner

Through: Mr.S.K.Rout with Mr.A. Mehrotra,
Advocates.

versus

UNION OF INDIA AND ORS Respondents

Through: Mr.Sachin Nawani, Advocate for R1
and R2.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

%

20.08.2019

1. The prayers in the petition read as under:

“a. pass a writ order or direction in the nature of a writ of declaration, declaring the acquisition proceedings initiated in respect of the land of the petitioner, admeasuring 2 bigha 5 biswa out of khasra nos. 95/2, situated in the revenue estate of Village Pitampura, 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.

b. pass an order directing the Respondents to access the compensation of the land of the petitioner as per the current prevailing market rate and in terms of the provisions of The Right to Fair Compensation and Transparency in Land, acquisition, Rehabilitation and Resettlement Act, 2013

or in the alternative

to handover the vacant physical possession of the land of the petitioner which it has illegally taken.”

2. The narration in the petition reveals that notification under Section 4 of the Land Acquisition Act, 1894 (‘LAA’) was issued on 28th July 1955, followed by declaration under Section 6 LAA on 17th January 1956. The impugned Award No. 895 was passed on 28th November 1958. 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 *Indore Development Authority v. Shailendra (2018) 3 SCC 412* 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 the inordinate delay in the Petitioner approaching the Court for relief.

5. The petition is dismissed as withdrawn with liberty prayed for. The points urged in the counter affidavit filed by the LAC, and in the rejoinder thereto on behalf of the Petitioner, are left open to be raised at the appropriate stage.

S.MURALIDHAR, J.

TALWANT SINGH, J

AUGUST 20, 2019/tr