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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 7567/2017

BALBIR SINGH AND ORS.

..... Petitioners

Through: Mr. Deepak Khosla, Advocate.

Versus

**UNION OF INDIA THROUGH: LAND
ACQUISITION COLLECTOR (WEST)**

..... Respondent

Through: Mr. Sanjay Kumar Pathak with Mrs.
K.K. Kiran Pathak, Mr. Sunil Kumar
Jha and Mr. M.S. Akhtar, Advocates.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE I.S.MEHTA

ORDER

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08.04.2019

1. The prayer in the petition reads as under:

“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 land measuring 28-1/2 sq.yds. belonging to petitioner No.1; land measuring 100 sq.yds. comprised in khasra No. 16/3 belonging to petitioner No.2; land comprised in Kh. No. 13/13 (51 Sq.yds.) belonging to petitioner No.3; land comprised in Kh. No. 13/13 (50 sq.yds.) belonging to petitioner No.4 and land comprised in; Kh No. 13/13 (204 sq.yds.) belonging to petitioner No.5 situated in the revenue estate of village Keshopur, Delhi acquired: vide Award No.28/80-81 pronounced on 16.1.1982 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 neither possession of

the lands of the petitioner have been taken nor compensation with respect to lands have been paid.

Award cost of proceedings to the humble petitioners.”

2. The narration in the petition reveals that notification under Section 4 of the Land Acquisition Act, 1894 ('LAA') was issued on 13th November, 1959, followed by declaration under Section 6 of the LAA on 13th July, 1968. The impugned Award No.28/80-81 was passed on 16th January, 1982. 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 following the judgment of the Supreme Court in *Mahavir v. Union of India* (2018) 3 SCC 588 dismissed matters on account of delay and laches. The above observations have been followed by this Court in several orders including (*Mool Chand v. Union of India*) 2019(173) DRJ 595[DB] and similar petitions have been dismissed 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 the 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 9th January, 2018 which stood

confirmed on 13th April, 2018 is hereby vacated. The points urged in the counter affidavit of the LAC are reserved to be urged at the appropriate stage.

S. MURALIDHAR, J.

I.S. MEHTA, J.

APRIL 08, 2019
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