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

+ **W.P.(C) 12508/2018 and CM APPL. 48541/2018**

RAKESH

..... Petitioner

Through: Mr. N.U. Ahmed and. Mr. Rashid
Azam, Advocates

versus

GOVT OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr. Sanjay Kumar Pathak and
Mr. Sunil Kumar Jha, Advocates &
R-1 and 2
Ms. Mrinalini Sen, Standing Counsel,
DDA with Mr. Tanmay Yadav,
Advocate

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

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17.07.2019

1. The prayers in the petition read as under:

“(a) It is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to issue a Writ in the nature of MANDAMUS and or any other appropriate order or direction of like nature directing the Respondents forthwith to release the land bearing Khasra no. 71, Area admeasuring 1/3 out of total undivided land of 4 Bigha 16 Biswas situated in the revenue estate Neb Sarai, New Delhi.and quash the award qua the land acquired vide award no 12/1987-1988, dated 20.05.1987.

(b) To direct them to pay the compensation at current market rate.”

2. The narration in the petition reveals that notification under Section 4 of

the Land Acquisition Act, 1894 ('LAA') was issued on 5th January, 1980, followed by declaration under Section 6 LAA on 21st May, 1985. The Impugned Award No. 12/1987-88 was passed on 20th May, 1987. 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 *Mahavir v. Union of India (2018) 3 SCC 588* 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 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 The petition is dismissed as withdrawn with liberty prayed for. The pending application stands disposed of.

S. MURALIDHAR, J.

TALWANT SINGH, J.

JULY 17, 2019

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