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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 12984/2018 & CM No. 50403/2018

SALEEM KHAN

..... Petitioner

Through: Mr.Satish Kumar, Advocate.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr.Sumit Chander with Mr.Gurdeep
Chawhan, Advocates for R3.
Mr.Arun Birbal with Mr.Sanjay
Singh, Advocates for DDA.
Ms.Mini Pushkarna, Adv. for
R2/DMRC.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE ASHA MENON

ORDER

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28.05.2019

1. The prayers in the petition read as under:

“a) Issue a writ of certiorari or any other suitable writ, order, direction in the like nature whereby;

b) Issue a writ of certiorari and/or any other writ (s), order (s) or direction (s) of the similar nature declaring the entire acquisition proceedings with respect to land being No. H-3, Out of khasara No. 1003/479(07-11), measuring 500 Sq.Yds, out of total land measuring 750 Sq.Yds situated at village Madanpur Khadar, Tehsil Mehrauli, New Delhi (subject lands), to the extent of the aforesaid land of the petitioner ,having lapsed and further quashing of the impugned Award

No.20/1992- 93 with respect to land being No.H-3,Out of khasara No. 1003/479(07-11),measuring 500 Sq.Yds, out of total land measuring 750 Sq.Yds situated at village Madanpur Khadar, Tehsil Mehrauli, New Delhi, to the extent of the aforesaid land of the petitioner in the interest of justice and equity.

c) Award the costs of this writ petition in favour of the petitioner and against the respondents herein as they have been put to avoidable expense at their hands.”

2. The narration in the petition reveals that notification under Section 4 of the Land Acquisition Act, 1894 (‘LAA’) was issued on 23rd June 1989, followed by declaration under Section 6 LAA on 22nd June 1990. The Impugned Award No.20/92-93 was passed in the year 1992/93. 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 a proper explanation for the inordinate delay in the Petitioner in approaching the Court for relief.

5. The petition is dismissed as withdrawn with liberty prayed for. The pending application is disposed of. The points urged in the counter affidavit

of the DMRC are left open to be raised at the appropriate stage.

S. MURALIDHAR, J.

ASHA MENON, J.

MAY 28, 2019
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