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

+ **W.P.(C) 9720/2017**

BALDEV SINGH GUJRAL Petitioner
Through: Ms.Pooja Yadav, Advocate

versus

UNION OF INDIA AND ORS. Respondents
Through: Mr.Yeeshu Jain, Standing Counsel
with Ms.Jyoti Tyagi, Advocate for L
& B/ LAC (GNCTD)
Mr.Rajneesh Sharma, Advocate for
LAC/L & B Department.
Mr.Dhanesh Relan, Standing Counsel
for DDA with Mr.Arun Birbal and
Mr.Sanjay Singh, Advocates.

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE I.S.MEHTA

ORDER
% **19.03.2019**

1. The prayers in the petition read as under:

“A. pass directions to issue a writ, order or direction in the nature of mandamus commanding the respondents more specifically the respondent to pay compensation with rehabilitation to the Petitioner as per the provisions of The Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 in respect to 500 Sq. Yds., bearing old Municipal no.255/10, new bearing Municipal no.83-B/10, Khasra no.356, abadi of Village Malikpur Chhawani, Delhi, which was acquired by the notification F.4(14)61-L85H dated 09.04.1964 under section 4 of Land Acquisition Act, 1894 and notification F.4(14)/61

L85H dated 30.11.1964 under section 6 of the Land Acquisition Act, 1894 and also the award bearing no.44-A of village Malikpur Chhawani, Delhi which has been deemed to be lapsed in view of the right to fair compensation and transparency in land acquisition, rehabilitation and resettlement act, 2013

B. Award the cost of the petition to this Petitioner;

C. Any other order which this Hon'ble Court deem fit may kindly be passed in favour of the Petitioner in the interest of justice."

2. The narration in the petition reveals that notification under Section 4 of the Land Acquisition Act, 1894 ('LAA') was issued on 9th April 1964, followed by declaration under Section 6 of the LAA on 30th November 1964. The impugned Award No. 40-A was passed on 1979-80. 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 the order dated 17th January 2019 in ***Mool Chand v. Union of India 2019 (173) DRJ 595 (DB)***, following the judgment of the Supreme Court in ***Mahavir v. Union of India (2018) 3 SCC 588*** dismissed similar matters on account of delay and 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 contentions of the DDA and the LAC in their respective counter affidavits

are left open to be urged at the appropriate stage.

S. MURALIDHAR, J.

I.S.MEHTA, J.

MARCH 19, 2019

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