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

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+ **W.P.(C) 9918/2017**

SMT SHOBHA TIWARI Petitioner

Through: Mr N.S. Chechi, Advocate.

versus

UNION OF INDIA AND ORS Respondents

Through: Mr Sanjay Kumar Pathak, Mr Sunil Kumar Jha and Mr M.S. Akhtar, Advocates for LAC.

Mr Ajay Verma and Mr Arman Verma, Advocates for DDA.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

% **22.07.2019**

1. The prayers in the petition read as under:

“(a) issue a writ of certiorari and/or any other writ, order or direction of the similar nature declaring the entire acquisition with respect to the land comprised in Khasra Nos. 563/424 (4-i5) qua petitioner share of 17 Biswas, situated in revenue Estate of Village Jasola, NCT of Delhi having lapsed and further quashing the impugned Notification No. F.- 9(i)/89/L & B/18577 dated 23.06.1989 issued under Section 4 of the Land Acquisition Act, 1894, Notification No. F. - 9(i)/89/L & B/2 dated 22.06.1990 issued under Section 6 of the Land Acquisition Act, 1894 and the relevant extract of the Award No. 21/92-93 with respect to the land comprised in Khasra Nos. 563/424 (4- 15) situated in revenue Estate of Village Jasola, NCT of Delhi; and OR

(b) issue a writ of mandamus and/or any other writ, order and direction of the similar nature issuing directions to the Respondents either vacate the possession of subject land which is comprised in 563/424 (4-15) qua her share to 17 Biswas

situated in revenue Estate of Village Jasola, NCT of Delhi; Or determine the compensation of petitioner land as per "The Act 2013" and pay to the petitioner within reasonable time. ”

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. 21/92-93 was passed on 18th June, 1992. 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 by the Petitioner in 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 are left open to be raised at the appropriate stage.

S. MURALIDHAR, J.

TALWANT SINGH, J.

JULY 22, 2019/rd