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

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W.P.(C) 10481/2017

BHOOP SINGH TIWARI

..... Petitioner

Through: Mr Aman Mehrotra, Advocate.

versus

GOVT.OF NCT OF DELHI & ORS

..... Respondents

Through: Mr Jyoti Tyagi, Advocate for Mr
Yeeshu Jain, Advocate for
LAC/L&B.

Mr Arjun Pant, Advocate for DDA.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE MANOJ KUMAR OHRI

ORDER

29.04.2019

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1. The prayers in the petition read as under:

“a). Issue a writ of Mandamus or any other suitable writ, order or direction in the like nature thereby holding that the acquisition proceedings resulting from Award No.08/1992-93 dated 19/06/1992 in respect of land bearing Khasra No. 273 (06-06),278 (01-05) 85 282/1(02-05) total land area 10 Bigha 06 Biswas. The petitioner is having 1/12th share (land measuring 00 Bigha 17 Biswas) Situated in the Revenue Estate of Village Ghonda Gujran Khadar , Shahdra Delhi- is null void and all subsequent proceedings conducted therein stood lapsed in view of the provisions of Section 24(2) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act,2013 .

b). Direct the respondents to release the aforesaid land in respect of land bearing Khasra No. 273 (06-06),278 (01-05) &

282/1(02-05) total land area 10 Bigha 06 Biswas. The petitioner is having 1/12th share (land measuring 00 Bigha 17Biswas) Situated in the Revenue Estate of Village Ghonda Gujran Khadar , Shahdra Delhi

c). Direct to the respondents in case not release to aforesaid land in the like nature thereby directing to the respondents to pay the suitable compensation in respect of land bearing Khasra No. 273 (06-06),278 (01-05) 8b 282/1(02-05) total land area 10 Bigha 06 Biswas. The petitioner is having 1/12th share (land measuring 00 Bigha 17Biswas) Situated in the Revenue Estate of Village Ghonda Gujran Khadar , Shahdra Delhi, to the petitioner in view of the provisions of section 24(2) of the Right to Fair Compensation and transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013.”

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 20th June, 1990. The impugned Award No. 08/1992-93 was passed on 19th June 1992. 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* dismissing matters on account of delay and laches. The same has been followed by this court in *Moolchand v. Union of India* 2018 DRJ 595[DB].

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 inordinate delay in the Petitioner approaching the Court for relief.

5. The petition is dismissed as withdrawn with liberty prayed for. The interim order dated 27th November, 2017 passed by this Court stands vacated. The points urged in the counter affidavit of the DDA are reserved to be raised at the appropriate stage.

S. MURALIDHAR, J.

MANOJ KUMAR OHRI, J.

APRIL 29, 2019
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