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

+ **W.P.(C) 10189/2017**

ANOOP KUMAR SINDHWANI Petitioner
Through Mr. Arun Kumar Kaushik, Advocate

versus

UNION OF INDIA & ORS Respondents
Through Ms. Shobhna Takiar, Advocate for
Respondent/DDA
Mr. Sanjay Kumar Pathak, Mr. Sunil
Kumar Jha & Mr.M.S.Akhtar,
Advocates for Respondents No.3 & 4.
Mr. Jaswant Rai Aggarwal, Advocate
for UOI.

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

% **ORDER**
15.05.2019

1. The prayers in the petition read as under:

“a. Pass a writ, order or direction in the nature of appropriate writ, thereby declaring the acquisition proceedings initiated in respect of the land of the petitioners with respect to their land being 1/6 joint share in Khasra no.743(12-06) & 744(01-03) total measuring 13 bighas and 09 biswas, and being 42/456 joint share in Khasra no. 739(22-16), situated in the revenue estate of village, Tughlakabad, Delhi, as deemed to have lapsed in view of the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, and further issue order or direction thereby quashing the Award No. 50A/1969-70 (supplementary) of village Tughlakabad, Delhi thereby the aforesaid land belonging to the petitioners or his predecessor acquired, to the

extent of the aforesaid land, in the interest of justice;

b. Further pass a writ, order or direction in the nature of a writ of mandamus thereby directing the respondents not to interfere with the peaceful possession and enjoyment of the land of the petitioners being 1/6 joint share in Khasra no. 743(12-06) & 744(01-03) total measuring 13 bighas and 09 biswas, and being 42/456 joint share in Khasra no. 739(22-16), situated in the revenue estate of village, Tughlakabad, Delhi, in the interest of justice;

c. Pass such other or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. The narration in the petition reveals that notification under Section 4 of the Land Acquisition Act, 1894 ('LAA') was issued on 25th January, 1965, followed by declaration under Section 6 LAA on 13th February, 1969. The impugned Award No.50-A/1969-70 (Supplementary) was passed in the year 1969-70. 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 Chandv. 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.

6. The interim order dated 17th November, 2017 which stood confirmed on 8th March, 2018 is hereby vacated. The points urged in the counter affidavits of the LAC and the DDA are left open to be raised at the appropriate stage.

S. MURALIDHAR, J.

I.S. MEHTA, J.

MAY 15, 2019

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