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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 114/2018

SH. GOKAL CHAND

..... Petitioner

Through: Mr.S.P.Singh, Advocate.

versus

GOVT OF NCT OF DELHI AND ORS.

..... Respondents

Through: Mr.Ashish Kumar Upadhyay with
Mr.Bhuwan Jayant & Mr.Babul
Kumar, Advocates for DDA.
Mr.Mohit Chaudhary with Ms.Srishti
Gupta, Advocates for L&DO.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

18.01.2019

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1. The prayer in this petition reads as under:

“a) issue a Writ, order or declaration declaring entire acquisition proceedings i.e. Section 4 notification dated 30.07.1998, section 6 declaration dated 4.08.1998 and award No. 18 OF 2000-2001 dated 12.03.2000-2001 in respect of the land of the Petitioner comprised in and out of land falling in Khasra No. 678 admeasuring, 4 Bigha 16 Biswa, land falling in Khasra no. 684 admeasuring 4 Bigha 16 Biswa, and land falling in Khasra no. 690/1 admeasuring 4 Bigha 5 Biswa totaling 13 Bigha 17 Biswas, situated in the Revenue Estate of village Bhalsawa Jahangir Pur, New Delhi have lapsed in view of sub-section 2 of the section 24 of The Right To Fair Compensation And Transparency In Land Acquisition, Rehabilitation And

Resettlement Act, 2013; and

b) issue a writ of mandamus directing the respondents not to in any manner whatsoever; interfere with the peaceful enjoyment and possession of the said lands presently in possession and occupation of the Petitioner; and

c) pass such other or further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.”

2. According to the narration in the petition, notification under Section 4 of the Land Acquisition Act, 1984 ('LAA') was issued on 10th July 1998 followed by declaration under Section 6 LAA on 4th August 1998. The Award was passed way back on 12th March 2001.

3. There is no explanation in the entire petition for the inordinate delay in approaching the Court for the relief except stating that the 2013 Act gave a fresh cause of action to the Petitioner.

4. In similar circumstances, this Court has, following the decision in ***Mahavir v. Union of India (2018) 3 SCC 588*** rejected the pleas of the Petitioners in WP(C) No.2734/2015 (***Devender Singh v. Hon'ble Lt. Governor***) and WP(C) No.1380/2016 (***Bhule Ram v. Union of India***) by its orders dated 10th and 17th December, 2018 respectively.

5. For the aforementioned reasons, the Court dismisses the present petition on the ground of laches.

6. The interim order passed by this Court on 8th January 2018 which stood confirmed on 6th April 2018 is hereby vacated.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 18, 2019
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