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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 452/2018

SH. PRITHVI RAJ AND ANR.

.....Petitioners

Through: Mr. Ghanshyam Mishra &
Mr.S.P.Singh, Advocates

versus

GOVT OF NCT OF DELHI AND ORS.

..... Respondents

Through: Mr.Rajneesh Sharma, Advocate for
Respondent/LAC/L & B Deptt
Mr. Ashish Kumar Upadhyay & Mr.
Bhuwan Jayant, Advocates

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

31.01.2019

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1. The prayers in the petition read 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 Petitioners comprised in and out of land falling in Khasra No. 64 admeasuring, 2 Bigha 8 Biswa, 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 land presently in possession and occupation of the Petitioners; 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. The narration in the petition reveals that notification under Section 4 of the Land Acquisition Act, 1894 ('LAA') was issued on 30th July, 1998, followed by declaration under Section 6 of the LAA on 4th August 1998. The impugned Award No.18/2000-2001 was passed on 12th March, 2000-2001. 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 above observations have been followed by this Court in several orders including the order dated 10th January, 2019 in WP(C) No. 4528/2015 (*Mool Chand v. Union of India*) and similar petitions have been dismissed 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 as prayed for.

6. The interim order passed by this Court on 17th January, 2018 which was

made absolute on 10th April 2018 hereby stands vacated.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 31, 2019

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