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

+ **W.P.(C) 129/2018**

KISHAN CHAND Petitioner
Through: Mr.Ghanshyam Mishra, Advocate

versus

GOVT OF NCT OF DELHI AND ORS. Respondents
Through: Mr.Yeeshu Jain, Advocate with
Ms.Jyoti Tyagi, Advocate for L & B/
LAC.

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

% **ORDER**
26.03.2019

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 12.03.2001 in respect of the land of the Petitioner comprised in and out of land falling in Khasra No.78 admeasuring 5 Bighas 08 Biswas, and in Khasra No. 691/1 admeasuring 2 Bighas 08 Biswas, Khasra no. 691/2 admeasuring 2 Bighas 08 Biswas, a totalling 10 Bigha 4 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. 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 2001. 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)***, following the judgment of the Supreme Court in ***Mahavir v. Union of India (2018) 3 SCC 588*** dismissed similar matters on account of delay and 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 The petition is dismissed as withdrawn with liberty prayed for. The issues raised by the LAC/ DDA in their respective counter affidavits are left open to be urged at an appropriate stage.

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.

I.S. MEHTA, J.

MARCH 26, 2019
sr