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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 11131/2017

DESH BANDHU JAIN

..... Petitioner

Through

Mr. B.Tripathy with Mr. Randhir
Pandey, Advocates

versus

LIEUTENANT GOVERNOR OF DELHI AND ORS..... Respondents

Through

Ms. Warisha Farasat, Advocate for
Respondent No.1

Mr. Siddharth Panda, Advocate for
LAC/L & B

Mr. Jayendra, Advocate for
Respondent/DDA

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

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09.08.2019

1. The prayers in the petition read as under:

“A) Issue a writ I order / direction in the nature of certiorari calling for the records of the acquisition proceedings in respect of the land in question i.e. Khasra Nos. 59/6/2 (3- 05), 26 (0-11), 60/10/2 (1-08) admeasuring In total 5 Bigha 4 Biswas situated within the revenue estate of Village Devli, Tehsil Saket, District South in the National Capital Territory of Delhi and further to issue appropriate writ, order or direction declaring the acquisition proceedings having lapsed and have become inoperative after the coming into force of the Right to Fair Compensation & Transparency in Land Acquisition, Rehabilitation and Resettlement Act of 2013.

B) Award cost of proceedings to the humble petitioner.”

2. The narration in the petition reveals that notification under Section 4 of the Land Acquisition Act, 1894 (‘LAA’) was issued on 5th November, 1980, followed by declaration under Section 6 LAA on 6th June, 1985. The

impugned Award No.19/87-88 was passed on 5th June, 1987. 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]* followed the judgment of the Supreme Court in *Indore Development Authority v. Shailendra (2018) 3 SCC 412* 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 a proper explanation for the inordinate delay in the Petitioner approaching the Court for relief.

5. The petition is dismissed as withdrawn with liberty prayed for. The points urged in the counter affidavit filed by the LAC and DDA are left open to be raised at the appropriate stage.

S. MURALIDHAR, J.

TALWANT SINGH, J.

AUGUST 09, 2019/mw