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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 11414/2017 & CM 46594/2017

ADNAM AZAM

..... Petitioner

Through: Mr Arun Kumar Sharma and Mr
Amiet Andley, Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr Abhay Prakash Sahay, CGSC for
UIO with Ms Indira Goswami,
Advocates.

Mr Sanjay Kumar Pathak, Ms K.K.
Kiran Pathak and Mr Sunil Kumar
Jha, Advocates for R-1 and 3.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

29.07.2019

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1. The prayers in the petition read as under:

“a. Issue a writ of certiorari and/or any other similar writ, order or direction of similar nature declaring the entire acquisition with respect of part of property no.4485-4490 (new no.3440 to 3445) Gali Maliyan, Delhi Gate, Ward no. XI, Delhi, measuring approximately ICQ Sq. Yds. as having lapsed and further quashing the Notice under Section 36 of the United Provinces Town Improvement Act, 8 of 1919, as extended to the province of Delhi, in connection with Delhi Improvement Trust's Delhi Ajmeri Gate Slum Clearance Scheme published in the Gazette on 19.3.1938 and the Notification under section 42 of the said act issued vide Chief Commissioner No. F.I(95)/45-L.G, dated 29.4.46. Chief Commissioner letter No. F.I(95) L.G dated 4.6.46, as

modified by his letter No. F.1(95) L.G dated 8.5.47 read with letter No. F. (95)/45 L.S.G dated 23.6.47 for acquisition of part of the property no. 4485-4490 (new no.3440 to 3445) Gali Maliyan, Delhi Gate, Ward no. XI, Delhi and the Award No. 943/590 dated 6.6.1950 issued by the Land Acquisition Collector in respect of the Said Property,

b. pass a writ, order or direction in the nature of a writ of declaration, declaring the acquisition proceedings initiated in respect of part of property no. 4485-4490 (new no.3440 to 3445) Gall Maliyan, Delhi Gate, Ward no. XI, Delhi, measuring approximately 100 Sq. Yds., 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;

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 36 of the United Provinces Town Improvement Act, 8 of 1919 was issued on 19th March, 1938, followed by declaration under Section 42 as per Old Act was made 29th April, 1946. The impugned Award No. 943/590 was passed on 6th June, 1950. 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 *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 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 pending application is also disposed of.

S. MURALIDHAR, J.

TALWANT SINGH, J.

JULY 29, 2019
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