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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 14052/2018

RAJESH KUMAR AND ORS.

..... Petitioners

Through: Mr. Keshav V. Hegde, Advocate.

versus

UNION OF INDIA AND ANR.

..... Respondents

Through: Mr. Yeeshu Jain and Ms Jyoti Tyagi,
Advocates for LAC/L&B.
Mr. Pawan Mathur, Advocate for
DDA.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

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07.01.2019

CM 54839/2018 (exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 14052/2018

2. The present petition has been filed seeking following relief:

“Issue appropriate writ, order or directions declaring entire acquisition proceedings in respect of land of the petitioners comprised in Khasara No 37/3 (00-06) village Molar Bund New Delhi to have lapsed in the view of section 24(2) The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 by quashing the impugned notification issued u/s 4 dated 4-4-1964 and notification issued u/s 6 dated 24-6-1965 respectively and award u/s 11 bearing the award No. 1934-D/81-82 of Village

Molar Bund dated 19.10.1981. ”

3. Anticipating that the Court would question the Petitioners about the inordinate delay in approaching the Court for the above relief, the Petitioner No.1, tendered, at the time of hearing the writ petition, an additional affidavit, offering an explanation. In the affidavit, it is stated that the Petitioners had already filed a W.P.(C) No. 8044/2014 (***Roop Chand Vasisht v Union of India***) seeking similar reliefs in respect of the land in other Khasra numbers in the same Village Molar Bund, which was allowed. According to the present Petitioners, the Khasra No. 37/3 (00-06) was left out from being mentioned in the prayer clause of the above writ petition by oversight and, therefore, the present writ petition became necessary. According to the learned counsel for the Petitioners, the above mistake was noticed only when the Petitioners received the notice issued by the Supreme Court of India in SLP (Civil) No.16233/2018 filed by the Land Acquisition Collector (‘LAC’).

4. It is required to be noticed that the aforesaid writ petition came to be disposed of by an order passed by the Division Bench of this Court on 2nd August, 2016, without adverting in any manner, to the question of inordinate delay in approaching this Court for relief. In any event, for more than two years thereafter, no attempt has been made by the present Petitioners to file a review petition in this Court pointing out the so-called inadvertent error in leaving out one Khasra number. This has only compounded the delay in approaching the Court.

5. This Court is therefore not satisfied that there are any valid reasons

offered by the Petitioners for inordinate delay in approaching the Court. The writ petition is accordingly dismissed on account of delay and laches but, in the circumstances, with no orders as to costs.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 07, 2019

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