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

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SOM NATH SPALL

W.P.(C) 815/2016

..... Petitioner

Through: Mr S.K. Rout and Mr Vinay Kumar,
Advocates.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Ms Jagriti Ahuja, Advocate for Mr
P.K. Saxena, Advocates for DDA.
Mr Yeeshu Jain and Ms Jyoti Tyagi,
Advocates for LAC/L&B.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

30.01.2019

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1. The prayers in the petition read as under:

- “a pass a writ order or direction in the nature of a writ of declaration, declaring the acquisition proceedings initiated in respect of the land of the petitioner, admeasuring 1512 Sq. Yds. out of khasra no. 731, situated in the revenue estate of Village Tuglakabad, Delhi to the extent of half share, as deemed to have lapsed in view of provisions of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.
- b. further pass a writ, order or direction in the nature of a writ of mandamus thereby directing the respondents not to interfere with the peaceful possession and enjoyment of the land admeasuring 1512 Sq. Yds. out of khasra no. 731, situated in the revenue estate of Village Tuglakabad, Delhi to the extent of half share, and

- c. pass such other or further orders as deem fit and proper in the circumstances of the case.”

2. The narration in the petition reveals that notification under Section 4 of the Land Acquisition Act, 1894 (‘LAA’) was issued on 10th November, 1960, followed by declaration under Section 6 LAA on 4th January, 1969. The impugned Award No. 66/86-87 was passed on 19th September, 1986. 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 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 The petition is dismissed as withdrawn with liberty prayed for.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 pending application is also disposed of. The interim order dated 2nd February 2016 as confirmed 29th January 2018 hereby stands vacated.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 30, 2019

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