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

+ **W.P. (C) 643/2016**

NAFE SINGH

..... Petitioner

Through: Mr Aman Mehrotra and Mr Lalit
Kumar Rawal, Advocates.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr Arun Birbal and Mr Sanjay Singh,
Advocates for DDA.
Mr.Yeeshu Jain, Standing Counsel
with Ms.Jyoti Tyagi, Advocate for
L&B/LAC.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

% **14.08.2019**

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 5 Bigha and 9 Biswa bearing old khasra nos. 1155 and new khasra no. 406 (5-9) situated in Village Mehrauli, Tehsil Mehrauli, Distt. South, New Delhi, 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:

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 5 Bighas and 9 Biswa bearing old khasra nos. 1155 and new khasra no. 406(5-9) situated in Village Mehrauli, Tehsil Mehrauli, Distt. South, New Delhi, 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 25th November, 1980, followed by declaration under Section 6 LAA on 7th June, 1985. The impugned Award No. 15/87-88 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 The petition is dismissed as withdrawn with liberty prayed for.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 in the rejoinder thereto on behalf of the Petitioner, are left open to be raised at the appropriate stage.

S.MURALIDHAR, J.

TALWANT SINGH, J.

AUGUST 14, 2019/mr