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

+ **W.P.(C) 11898/2015**

YASH PAL & ANR. Petitioners

Through: Mr.Samit Khosla, Advocate

versus

LAND ACQUISITION COLLECTOR (CENTRAL) & ANR.

..... Respondents

Through: Mr.Sanjay Dewan, Advocate for
GNCTD.

Mr.Yeeshu Jain, Standing Counsel
with Ms.Jyoti Tyagi, Advocate for L
& B/ LAC.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE I.S.MEHTA

ORDER

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19.03.2019

1. The prayers in the petition read as under:

“It is, therefore, respectfully prayed that this Hon Court may be pleased to issue a writ / order / direction in the nature of certiorari calling for the records of the acquisition proceedings of lands comprised in Khasra No. 31/16/2 ad-measuring 12 biswas and Khasra No. 31/25 ad-measuring 1 bigha 04 biswas of Village Jharoda Mazra Burari, Delhi acquired vide Award No.40/1979-80 pronounced on 22.03.1980 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. Or in the alternative the same may be released from the acquisition, and a direction may be given

to the Respondent No.1 to release the same from acquisition.
Award cost of proceedings to the humble petitioner.

The Hon'ble Court may pass such other and further order as it deems fit and proper under the facts and 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 15th February 1979, as well declaration under Section 6 of the LAA of the same date as the emergency clause under Section 17 LAA was invoked. The impugned Award No. 40/79-80 was passed on 22nd March 1980. 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)***, 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 application is also dismissed. The contentions of the parties in their respective counter and rejoinder affidavits are left open to be urged at the

appropriate stage.

6. The interim order passed by this Court on 21st December 2015 which stood confirmed on 12th February 2018 is hereby vacated.

S. MURALIDHAR, J.

I.S. MEHTA, J.

MARCH 19, 2019

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