

Kuldeep Chauhan Thr Mother Natural ... vs Government Of Nct Of Delhi & Ors on 16 January, 2019

Author: S. Muralidhar

Bench: S.Muralidhar, Sanjeev Narula

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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 9990/2018

KULDEEP CHAUHAN THR MOTHER NATURAL GUARDIAN

..... Petitioner

Through Mr. Lalit Kumar Rawal &
Mr. Siddharth Gupta, Advocates

versus

GOVERNMENT OF NCT OF DELHI & ORS

..... Respondents

Through Mr. Yeeshu Jain with Ms. Jyoti
Tyagi, Advocates for Respondent/LAC/L & B
Ms.Kanika Agnihotri, Ms. Vidhi Aggarwal &
Mr.Vinayak Harshwardhan, Advocates for
Respondent/DDA

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

% 16.01.2019

1. The prayers in the petition read as under:

"a. Issue a Writ of Mandamus or any other suitable writ order or direction in the like nature thereby directing the respondents to pay suitable compensation in respect of acquired land in respect of land of the petitioner father co-bhumidar of the land to the extent of their 1/3rd share i.e. (08-06) and the petitioner father extent of their 1/12th share i.e. 02 Bigha 02 Biswas land in bearing Khasra No. 500 (04-

16), 505 (04-16), 503 (02-19). 604/1 (00-18) 504/2 (03-18), 501/ (04-

16), 506/1(03-14 total land measuring 25 Bigha 07 Biswas petitioner father extent of their 1/12th share i.e. 02 Bigha 02 Biswas and the petitioner father i.e. Satpal Singh Son of Late Sh.Keshu Singh relinquish his share i.e. 01 Bigha 01 Biswas land in favour of the petitioner through Special Power of Attorney dated 12/05/2018 (the petitioner grandfather is Recorded owner in Revenue Record) Situated in the Revenue Estate of Village Karawal Nagar, Shahdara, Delhi- arising out of Award No.29/78-79 dated 20/11/1978, Award No.125/1986-87 dated 19/09/1986 and Award No. 16/83-84

dated 30/06/1983. In view of the provisions of Section 24(2) of Right of Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

b. To pay all benefits/alternative plots/industrial plot/DDA Flat etc. as per revenue record admissible under the law in view of the provisions of Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act,2013.

c. Any other and further relief which this Hon'ble court may deem fit and proper under the circumstances of the case may also be allowed in favour of the Petitioner."

2. The narration in the petition reveals that the land in question was acquired by Award No.29/78-79, Award No.125/1986-87 and Award No.16/83-84 which were passed on 20th November 1978, 19th September 1986 and 30th June 1983 respectively under the Land Acquisition Act, 1894 (LAA). There is no satisfactory 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.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 16, 2019 mw