

Nasim Bano vs Govt. Of Nct Of Delhi & Anr on 19 February, 2019

Author: S. Muralidhar

Bench: S.Muralidhar, Sanjeev Narula

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 1075/2018

NASIM BANO

..... Petitioner

Through: Mr. Nazim Uddin Ahmed, Advocate.

versus

GOVT. OF NCT OF DELHI & ANR

..... Respondents

Through: Mr. Sachin Nawani, Advocate for
Respondent Nos. 1 & 2.

Mr. Madhav Dhingra, Advocate for
Mr. Joginder Sukhija, Advocate for
DDA.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

% 19.02.2019

1. The prayers in this petition read as under:

"a. To issue of a Writ in the nature of Mandamus and/ or any other appropriate Writ / Order / direction of like nature directing the Respondents forthwith to release the land measuring 200 sq. yards,(presently plot no 40Johari firm), falling under Khasra no:

378/172, out of total land i.e 2.3 Bighas situated in village Okhla, Tehsil Defence Colony, which is acquired by the Respondents vide award no. 95/83-84, pursuant to the notification under section 4 of land acquisition act 1984, no. f.4 (9) / 64 1 & h, and notification under section-6, no: f.4 (9) / 64 1& h dated 07.12 1966, further quash the notifications and award qua the land.

b. Or in the alternative, to further direct the Respondents to allot an alternate plot of similar area/size in the name of the Petitioner; as redressal for the harassment and mental pain caused by the attitude of the Land Acquisition Officials in the light of the detailed facts and circumstances narrated hereinabove.

c. Any other Order which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case may also be passed in favour of the Petitioner and against the respondents."

2. According to the narration in the petition, notification under Section 4 of the Land Acquisition Act, 1894 ('LAA') was issued on 4th April 1964 followed by declaration under Section 6 LAA on 7th December 1966. The impugned Award No.95/83-84 was passed way back on 24th April 1984. 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 the order dated 17th January, 2019 in WP(C) No. 4528/2015 (Mool Chand v. Union of India), 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 Petitioners 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. Dismissed as withdrawn with liberty as prayed for. The interim order dated 6th February 2018 as confirmed on 16th April 2018 is hereby vacated.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

FEBRUARY 19, 2019/ss