

Sh. Rajinder Singh And Ors vs Union Of India And Anr on 31 January, 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) 13548/2018
SH. RAJINDER SINGH AND ORS. Petitioners
Through: Mr. Sheetesh Khanna, Advocate

versus

UNION OF INDIA AND ANR. Respondents
Through: Ms. Shobhna Takiar, Advocate for
Respondent/DDA
Mr. Yeeshu Jain & Ms. Jyoti Tyagi, Advocates for
Respondent/LAC/L & B Deptt.

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE SANJEEV NARULA
ORDER

% 31.01.2019 CM Appl.No. 52767/2018 (Exemption)

1. Exemption allowed, subject to all just exceptions. WP(C) No. 13548/2018 & CM Appl.No. 52766/2018 (stay)

2. The prayer in the petition read as under:

"to issue a writ/order/direction in the nature of mandamus calling for the records of the acquisition proceedings in respect of the land in question situated in the revenue estate of village Mandawali Fazalpur, Delhi acquired vide award No.2179 dated 12.11.1968 village Mandawali Fazalpur, 'Delhi 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.

Award cost of proceedings to the humble petitioners."

3. The narration in the petition reveals that notification under Section 4 of the Land Acquisition Act, 1894 („LAA) was issued on 13 th November, 1959, followed by declaration under Section 6 of the LAA on 17 th June, 1963. The impugned Award No.2179/1968 was passed on 12 th November, 1968. There is no explanation in the petition for the inordinate delay in approaching the Court for relief.

4. 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.

5. 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 inordinate delay in the Petitioner approaching the Court for relief.

6. The petition is dismissed as withdrawn with liberty prayed for. The application is disposed of.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 31, 2019 mw