

Shravan Kumar vs Govt 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) 9988/2018

SHRAVAN KUMAR

..... Petitioner

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

GOVT OF NCT OF DELHI & ORS

..... Respondents

Through Mr. Yeeshu Jain with Ms. Jyoti
Tyagi, Advocates for Respondent/LAC/L & B
Mr. R.K.Dhawan, ASC with Ms. Richa Dhawan &
Mr. V.K.Teng, 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 in bearing Khasra No. 27/23/2(04-10), 49/25/2 (02-01), 49/18/1 (02-09), 23/(00-03), 52/4 (04-15), 5/1 (03-14), 54/6/2 (02-18), 241 (00-10), 488/2/2 (00-19), 490 (00-03), 501 (04-16), 502/1 (00-14), total land measuring 37 bigha 12 biswas, petitioner extent of their 1/6th share i.e. (00-06) out of total land measuring 37 bigha 12 biswas and the petitioners only claim 03 Bigha land 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 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 the delay in the Petitioner approaching the Court for relief.

5. The petition is dismissed as withdrawn with liberty as prayed for.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 16, 2019/mw