

Mool Chand And Ors vs Union Of India And Ors on 8 February, 2019

Author: S. Muralidhar

Bench: S.Muralidhar, Vinod Goel

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 5691/2017

MOOL CHAND AND ORS Petitioners
Through: Mr. Arun Kumar Kaushik, Advocate

versus

UNION OF INDIA AND ORS. Respondents
Through: Mr. Mohit Bhardwaj, GP with Ms.
Sabhya Jain, Advocates for Respondent No.1/UOI
Ms. Mrinalini Sen & Ms. Niharika
Jauhari, Advocates for Respondent/DDA
Mr. Sanjay Kumar Pathak, Mr. Sunil Kumar Jha &
Mr.M.S.Akhtar, Advocates for Respondent/LAC/L
&B
Mr. Hemant Gupta &Mr. Alok Sharma, Advocates
for Respondent No.4/DMRC

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE VINOD GOEL
ORDER

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1. The prayer in the petition read as under:

"(i) issue a writ of certiorari and/or any other writ, order or direction of the similar nature declaring the entire acquisition proceedings with respect to the land being 1 Bigha out of total land measuring 3 Bighas 04 Biswas, of Khasra No. 437 situated in the revenue estate of village Jasola, Tehsil - Sarita Vihar, District South-East, Delhi, to the extent of their respective share, having lapsed and further quashing of the impugned Award No. 21/92-93 with respect to the land 1 Bigha out of total land measuring 3 Bighas 04 Biswas, of Khasra No. 437 situated in the revenue estate of village Jasola, Tehsil

- Sarita Vihar, District South-East, Delhi, to the extent of their respective share, in the interest of justice and equity;

(ii) pass any other or further order which this Hon'ble Court may deem fit and proper in the interest of justice."

2. The narration in the petition reveals that notification under Section 4 of the Land Acquisition Act, 1894 („LAA) was issued on 23 rd June, 1989, followed by declaration under Section 6 of the LAA on 22 nd June, 1990. The impugned Award No.21/92-93 was passed on 19th June, 1992. 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 following the judgment of the Supreme Court in Mahavir v. Union of India (2018) 3 SCC 588 and Indore Development Authority v. Shailendra (2018) 3 SCC 412 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.

VINOD GOEL, J.

FEBRUARY 08, 2019 rd