

Renu Sachdeva And Ors vs Union Of India And Ors on 17 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) 1478/2016

RENU SACHDEVA AND ORS

..... Petitioners

Through: Mr. S. K. Rout and Mr. Aman
Mehrotra, Advocates.

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr. Siddharth Panda, Advocate for
LAC/L&B.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

% 17.01.2019

1. The prayers in this petition read as under:

"a. pass a writ order or direction in the nature of a writ of declaration, declaring the acquisition proceedings initiated in respect of the land of the petitioner, admeasuring (03 bigha 06 biswa) bearing Khasra Nos. 2610/728 and 729, Tuglakabad, New Delhi to the extent of half share and land admeasuring 01 bigha 03 biswa bearing Khasra No. 730 Tughlakabad, New Delhi, as deemed to have lapsed in view of the provisions of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

b. further pass a writ, order or direction in the nature of a writ of mandamus thereby directing the respondents not to interfere with the peaceful possession and enjoyment of the land admeasuring (03 bigha 06 biswa) bearing Khasra Nos. 2610/728 and 729, Tuglakabad, New Delhi to the extent of half share and land admeasuring 01 bigha 03 biswa bearing Khasra No. 730 Tughlakabad, New Delhi, and c. pass such other or further orders as deem fit and proper in the circumstances of the case."

2. According to the narration in the petition, the notification under Section 4 of the Land Acquisition Act, 1894 ('LAA') was issued on 10th November 1960 and a declaration under Section 6 was issued on 4th January 1969. The Award was passed way back on 19th September 1986. No explanation has been offered 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. Learned counsel for the Petitioner seeks leave to withdraw this petition with liberty to file a fresh petition properly explaining the inordinate delay in approaching the Court for relief.

5. The petition is dismissed as withdrawn with liberty as prayed for. The interim order dated 22nd February 2016 which was confirmed on 6th March 2018 stands vacated.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 17, 2019 nk