

Kanwal Singh And Ors vs Union Of India And Ors 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) 2074/2017

KANWAL SINGH AND ORS

..... Petitioners

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

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr.Yeeshu Jain, Standing Counsel
with Ms.Jyoti Tyagi, Advocate for
LAC.
Mr.Arjun Pant, Advocate for DDA.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

% 19.02.2019

1. The prayer in this petition reads as under:

"It is, therefore, most respectfully prayed that this Hon'ble Court may kindly be pleased to :

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 petitioners, admeasuring (1-09) out of khasra no. 13/12 min, situated in the revenue estate of Village Matiala, 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 (1-09) out of khasra no.13/12 min, situated in the revenue estate of Village Matiala, Delhi, and b. Pass such other or further orders as deem fit and proper in the circumstances of the case."

2. The narration in the petition reveals that notification under Section 4 of the Land Acquisition Act, 1894 („LAA) was issued on 28th June 1990, followed by declaration under Section 6 of the LAA on 14th November 1990. The impugned Award No.27/92-93 was passed on 9th November 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, including the order dated 17 th 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. The petition is dismissed as withdrawn with liberty prayed for.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

FEBRUARY 19, 2019 tr