

Bhim Sain Mittal 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) 12171/2015

BHIM SAIN MITTAL

..... Petitioner

Through: Mr. Ubaibir Singh Kochar, Advocate.

versus

UNION OF INDIA AND ORS

..... Respondents

Through:

Mr. Nikhil Goel and Mr. Gurpreet

Hora, Advocates for DDA.

Mr. Sanjay Kumar Pathak and

Mr. Sunil Kumar Jha, Advocates for
LAC/GNCTD.

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, 29 bighas 19 biswas out of khasra no.s 1/5-10, 4/7-4, 6/23-3, 7 min/64-1, 9/10-18, 10/6-11, 11 min/11-3, 59/0-11, 152/9-7, 205/40-6, 245/18-11, 248/50-11, 249/167-9, 253/7-17, 255/122-1, 256/10-14, 257/23-19, 259/3-15, 261/1-18, 265 min/227-17, 270/86-12, 274 min/21-3, 276/6-6, 279 min/32-0, 283/9-17, 285/237-12, 286/53-10, 292/209-10, 294/82-0, 296/1-16, 298/196-3, 299/51-2, 300/295-3, 301/300-0, 302/300-0, 303 min/243-16, 304/300-0, 305/315-0, 306/109-7, 307/2-11, 308/135-13, 309/82-10, 310/300-0, 311/144-2 kitey 44 total area 4315 bigha 09 biswa, situated in the revenue estate of village Masoodpur, 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) 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, being 46 bigha 11 biswas out of khasra no.s 1/5-10, 4/7-4, 6/23-3, 7 min/64-1, 9/10-18, 10/6-11, 11 min/11-3, 59/0-11, 152/9-7, 205/40-6, 245/18-11, 248/50-11, 249/167-9, 253/7-17, 255/122-1, 256/10-14, 257/23-19, 259/3-15, 261/1-18, 265 min/227-17, 270/86-12, 274 min/21-3, 276/6-6, 279 min/32-0, 283/9-17, 285/237-12, 286/53-10, 292/209-10, 294/82-0, 296/1-16, 298/196-3, 299/51-2, 300/295-3, 301/300-0,

302/300-0, 303 min/243-16, 304/300-0, 305/315-0, 306/109-7, 307/2-11, 308/135-13, 309/82-10, 310/300-0, 311/144-2 kitey 44 total area 4315 bigha 09 biswa, situated in the revenue estate of village Masoodpur, 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

(c) and/or in the alternative pass a writ, order or direction in the nature of a writ of mandamus, directing the respondents to allot equivalent land of the same value to the petitioner or pay the market value of the land being 29 bighas 19 biswas out of khasra no.s 1/5-10, 4/7-4, 6/23-3, 7 min/64-1, 9/10-18, 10/6-11, 11 min/11-3, 59/0-11, 152/9-7, 205/40-6, 245/18-11, 248/50-11, 249/167-9, 253/7-17, 255/122-1, 256/10-14, 257/23-19, 259/3-15, 261/1-18, 265 min/227-17, 270/86-12, 274 min/21-3, 276/6-6, 279 min/32-0, 283/9-17, 285/237-12, 286/53-10, 292/209-10, 294/82-0, 296/1-16, 298/196-3, 299/51-2, 300/295-3, 301/300-0, 302/300-0, 303 min/243-16, 304/300-0, 305/315-0, 306/109-7, 307/2-11, 308/135-13, 309/82-10, 310/300-0, 311/144-2 kitey 44 total area 4315 bigha 09 biswa, situated in the revenue estate of village Masoodpur, Delhi in terms of the provisions of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013; and

(d) and/or in the alternative pass a writ, order or direction in the nature of a writ of mandamus, directing the respondents to allot equivalent land of the same value to the petitioner or pay the market value of the land being 46 bigha 11 biswas out of khasra no.s 1/5-10, 4/7-4, 6/23-3, 7 min/64-1, 9/10-18, 10/6-11, 11 min/11-3, 59/0-11, 152/9-7, 205/40-6, 245/18-11, 248/50-11, 249/167-9, 253/7-17, 255/122-1, 256/10-14, 257/23-19, 259/3-15, 261/1-18, 265 min/227-17, 270/86-12, 274 min/21-3, 276/6-6, 279 min/32-0, 283/9-17, 285/237-12, 286/53-10, 292/209-10, 294/82-0, 296/1-16, 298/196-3, 299/51-2, 300/295-3, 301/300-0, 302/300-0, 303 min/243-16, 304/300-0, 305/315-0, 306/109-7, 307/2-11, 308/135-13, 309/82-10, 310/300-0, 311/144-2 kitey 44 total area 4315 bigha 09 biswa, situated in the revenue estate of village Masoodpur, Delhi in terms of the provisions of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013

(e) pass such other or further orders as this Hon'ble Court may 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 23rd January 1965 and declaration under Section 6 of LAA was issued on 26th December 1968. The Award was passed way back in 1968-1969. There is no explanation 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 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.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 17, 2019/ nk