

Shafi Mohammad & Ors vs Union Of India & Anr on 31 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) 409/2016 & CM APPL. 26687/2018

SHAFI MOHAMMAD & ORS

..... Petitioners

Through: Ms.Neha Kapoor, Advocate.

versus

UNION OF INDIA & ANR

..... Respondents

Through:

Mr.Yeeshu Jain, Standing Counsel
with Ms.Jyoti Tyagi, Advocate for
LAC/L&B.

Mr.Pawan Mathur, Standing Counsel
for DDA.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

% 31.01.2019

1. The prayers in the petition read as under:

"It is, therefore, respectfully prayed that this Hon Court may be pleased to issue a writ / order / direction in the nature of certiorari calling for the records of the acquisition proceedings with respect to the lands comprised in khasra No. 173/1 (4-13), 176/1(2-02), 177 (4-16), 200(3-18), 202(3-18), 192(4-16), 254/2(2-01), 270/1(4-12), 255/1(2-09), 334(4-16), 318/1(1-

04), 330/2(4-02), 301(4-16), 362(4-16), 363(4-02), 364(5-04), 365(2-00), 366(4-16), 331/1((2-17), total measuring 71 bigha 18 biswas situated in the revenue estate of Village Pul Pehladpur, New Delhi, acquired vide Award. 63/82-83 of the petitioners and further to pass appropriate writ, order or directions declaring the acquisition proceedings to have lapsed and have become inoperative under sec.24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act of 2013 as no compensation in respect of acquired land have been paid to the petitioners and their predecessors.

OR Further to pass appropriate writ, order or direction, directing the respondents to returned/ handover the actual physical possession of unutilized and vacant land of the petitioners to the

petitioner as per their share.

OR In the alternative direct the respondent No.1 to acquire the afresh under the Right to Fair Compensation and Transparency in Land Acquisition of Rehabilitation Act 2013 and further to pay compensation under the aforesaid Act.

Award cost of proceedings to the humble petitioner."

2. The narration in the petition reveals that notification under Section 4 of the Land Acquisition Act, 1894 („LAA) was issued on 13 th January 1969, followed by declaration under Section 6 of the LAA on 31 st January 1983. The impugned Award No. 63/1982-83 was passed on 31st January 1983. There is no explanation in the petition for the inordinate delay in approaching the Court for relief.

3. This Court has in the series of orders following the judgment of the Supreme Court in Mahavir v. Union of India (2018) 3 SCC 588 dismissed matters on account of delay and laches. The above decision has been followed in orders dated 10th December 2018 in WP(C) 2734 of 2015(Devender Singh v. The Hon'ble Lt. Governor)and 17th December 2018 in WP(C) 1380 of 2016(Bhule Ram v. Union of India) were this court has rejected the writ petitions seeking similar relief.

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 a proper explanation for inordinate delay in the Petitioner approaching the Court for relief.

5. The petition is dismissed as withdrawn with liberty prayed for. Pending application also stands disposed of.

S.MURALIDHAR, J SANJEEV NARULA, J JANUARY 31, 2019 mw