

Braham Prakash 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) 177/2017

BRAHAM PRAKASH AND ORS

..... Petitioners

Through: Mr.Arvind K.Gupta, Advocate.

versus

UNION OF INDIA AND ORS

..... Respondents

Through:

Mr.Kavindra Gill, Advocate for UOI.

Ms.Deepika, Advocate for R2.

Ms.Mrinalini Sen, Standing Counsel

for DDA with Mr.Tanmay Yadav,

Advocate.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

% 19.02.2019

1. The prayers in this petition read as under:

"i) issue a writ of mandamus or any other appropriate writ, order or direction thereby, inter alia, declaring that acquisition proceedings in respect of the land belonging to the petitioners i.e, to the extent of 1/2 share in land (1-19 bigha) falling in Khasra No. 196 situated in the revenue estate of Village Masoodpur, New Delhi, have been lapsed on the commencement of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013;

ii) issue a writ or any other appropriate writ, order or direction thereby direct the respondents not to interfere in the peaceful possession of the petitioners qua the land subject matter of the present writ petition;

iii) Issue a writ or any other appropriate writ, order or direction thereby direct the respondent to correct the revenue record by reflecting the names of petitioner in respect of 1/2 share in land measuring 1-19 bigha in Khasra No. 196, in Village Masoodpur, New Delhi as owner in place of the Union of India i.e. respondent no. 1."

2. The narration in the petition reveals that notification under Section 4 of the Land Acquisition Act, 1894 („LAA) was issued on 24th October 1961, followed by declaration under Section 6 of the LAA on 6 th August 1966. The impugned Award No.2040/1966-67 was passed on 6th August 1966. 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