

Chander Pal And Ors vs Union Of India And Ors on 26 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) 10160/2015

CHANDER PAL AND ORS.

..... Petitioners

Through: Mr. Arun Kumar, Advocate.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through:

Ms. Mrinalini Sen, Standing Counsel
DDA.

Mr. Siddharth Panda, Advocate for
LAC/L&B, Respondent Nos. 3 and 4.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

% 26.02.2019

1. The prayer in this petition reads as under:

"a. Pass a writ, order or direction in the nature of writ of declaration, thereby declaring the acquisition proceedings initiated in respect of the land of the petitioners with respect to their land in Khasra No. 226 (4-16), 225/2/2 (1-02), 244 (5-00), 245/1 (3-00), 265/2 (4-12), 266 (4-16) Total Measuring 23 Bighas 06 Biswas, situated in the revenue estate of Village Kotla Mahigram, Tehsil-Mehrauli 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."

2. According to the narration in the petition, the notification under Section 4 of the Land Acquisition Act, 1894 ('LAA') was issued on 6th April 1964 and a declaration under Section 6 of LAA was issued on 7th December 1966. The impugned Award No. 205/1986-87 was passed way back on 19th September 1986. In the entire petition, there is no explanation offered 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.

4. The above decision has also been followed by this Court in several orders including the order dated 17th January, 2019 in WP(C) No. 4528/2015 (Mool Chandv. Union of India) and similar petitions have been dismissed on the ground of laches.

5. 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.

6. Dismissed as withdrawn with liberty as prayed for.

S.MURALIDHAR, J SANJEEV NARULA, J FEBRUARY 26, 2019 ss