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**IN THE HIGH COURT OF DELHI AT NEW DELHI**

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W.P.(C) 446/2008 &amp; CM APPL. 14378/2014

KASTURI LAL GUPTA

Through

..... Petitioner

Mr. Hasan Anzar with Mr. S.U.  
Mirza, Advocates

versus

UOI &amp; ORS.

Through

..... Respondents

Mr. Bhagvan Swarup Shukla, CGSC  
for UOI.**CORAM:****HON'BLE MR. JUSTICE MANMOHAN****ORDER**

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**25.05.2016**

Present writ petition has been filed seeking a declaration that the petitioner be declared the owner of property bearing no. II/376/377/378(1/2), Teliwara, Shahdra, Delhi – 110 032.

Learned counsel for petitioner states that petitioner had initially filed a writ petition being CWP 1082/1973 which was disposed of by a learned Single Judge of this Court vide judgment and order dated 20<sup>th</sup> May, 1980, whereby the impugned orders were quashed and the Assistant Settlement Commissioner was directed to determine whether the property is allottable and whether it can be divided into convenient portions and if so, to decide who out of several occupants is or are best entitled to transfer.

Learned counsel for petitioner further states that the said order was challenged by one of the occupants by way of an LPA which remained pending in this Court till the year 2000. He states that thereafter in September, 2005 the Displaced Persons (Compensation & Rehabilitation) Act, 1954 was repealed. He also states that despite efforts being made by the Delhi Government, the Ministry of Home Affairs, Government of India did not revive the authorities and/or delegating the power to statutory authorities under the repealed Act, 1954. Consequently, according to him, petitioner's case has not been finalized till date.

In the opinion of this Court, even if the facts stated by petitioner are taken to be true and correct, then also the prayers sought in the present writ petition cannot be granted. Petitioner can only seek a direction to respondent-UOI to revive the authorities and delegate power to them under the repealed Act, 1954.

At this stage, learned counsel for the petitioner states that he would like to withdraw the present writ petition with liberty to file a fresh writ petition seeking the aforesaid reliefs.

With the aforesaid liberty, present writ petition and pending application are dismissed as withdrawn.

**MANMOHAN, J**

**MAY 25, 2016**

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