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

+ **W.P.(C) 1060/2018**

RAM KISHAN AND ANR.

..... Petitioners

Through: Petitioner No.2, Mr. Parveen Kumar,
Advocate.

versus

DELHI CANTONMENT BOARD AND ANR. Respondents

Through: Mr. Anchit Sharma with Mr. Tarveen Singh
Nanda and Mr. Rahul Singhal, Advocates
for R-1/DCA.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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07.02.2018

Two distinct prayers have been made in this writ petition, first prayer is for a declaration sought that the acquisition proceedings with respect to the petitioner's property measuring 77 sq. yards comprised in Khasra No.960 is deemed to have lapsed as neither physical possession has been taken nor compensation has been tendered, second prayer is to quash four show cause notices dated 08.11.2017, 04.12.2017, 11.12.2017 and 28.12.2017 issued under the provision of Cantonment Act, 2006 and Public Premises (eviction of unauthorised Occupant) Act, 1971.

Neither the Land Acquisition Collector nor DDA has been impleaded as party in this writ petition. The petitioner submits that a writ petition bearing No.651/2018 was filed, however, the same was dismissed as withdrawn. The following order was passed:

“CM.No.2832/2018 (for exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 651/2018, CM No.2831/2018 (for stay)

After some submissions, learned counsel appearing for the petitioners seeks to withdraw the writ petition to enable the petitioners approach the appropriate Court under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

The petition and the connected application are dismissed as withdrawn.”

The petitioner agrees that as far as the proceedings initiated against the petitioner under the provision of Cantonment Act and Public Premises Act, the remedy would not lie before a Division Bench. He further submits that he would make an application for review before the learned Single Judge and limit his prayer only with regard to four show cause notices, he would also seek liberty to amend his writ petition and restrict his prayer only with respect to four show cause notices.

At this stage, the petitioner also wishes to withdraw this writ petition to seek review of the order dated 23.01.2018. He also seeks liberty to file a fresh writ petition seeking a declaration that the acquisition proceedings with respect to the land in question is deemed to have lapsed.

The present petition is dismissed as withdrawn with liberty, as prayed.

Copy of this order be given *dasti* under the signature of Court Master.

G. S. SISTANI, J

SANGITA DHINGRA SEHGAL, J

FEBRUARY 07, 2018/afa