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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 2298/2015 & C.M. Appl.No. 7612/2016 & 7889/2018**

DHYAN SINGH & ORS. Petitioners
Through Mr. Gaurav Puri & Mr. Aditya Bali,
Advocates

versus

UNION OF INDIA & ORS. Respondents
Through Mr. J.K.Srivastava, Advocate for
Respondent No.4/DMRC
Mr. Sanjay Dewan & Ms. Nishima Arora,
Advocates for Respondent/District Magistrate
(East)
Mr. Yeeshu Jain with Ms. Jyoti Tyagi, Advocates
for Respondent/LAC/L & B

CORAM:
JUSTICE S. MURALIDHAR
JUSTICE SANJEEV NARULA

ORDER
10.01.2019

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1. The prayers in the present petition read as under:

(a) Writ, order or direction in the nature of mandamus, thereby directing the Respondents that in case the Respondents have notified the lands of the Petitioners, to de-notify same khasra Nos. 46 (11-09), 46 (12-09), and 46 (12-09), which are in acres, situated at Village Kondli, New Delhi-110096 and as the Respondents have only acquired meagre 36-07 bighas (equivalent to 36,350 sq. yards only) leaving a balance of 138228.08 sq. yards of land equivalent to 28.55 acres;

(b) Writ, order or direction in the nature of prohibition, thereby

restraining the Respondents, their officers, agents or representatives from claiming possession or ownership or interfering in peaceful possession and enjoyment of the balance lands of the Petitioners as the Respondents have only acquired meagre 36-07 bighas leaving a balance of 138228.08 sq. yards of land equivalent to 28.55 acres situated upon khasra Nos. 46 (11-09), 46 (12-09), and 46 (12-09);

(c) Writ, order or direction in the nature of mandamus that in case the Respondents want to acquire the lands of the Petitioners situated at khasra Nos. 46 (11-09), 46 (12-09), and 46 (12-09) situated at Village Kondli, New Delhi-110096, the Respondents may do same under The Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

(d) Writ, order or direction in the nature of mandamus directing the Respondents that the land acquired by the Respondents vide three Award Nos. 84/1972-73, 84A/1972-73 and 84A supplementary./1972-73 are merely 36-07 bighas and the Respondents have not acquired the remaining lands of the Petitioners admeasuring 138228.08 sq. yards of land equivalent to 28.55 acres under khasra Nos. 46 (11-09), 46 (12-09), and 46 (12-09);

(e) Any other or further writ, order or direction which this Hon'ble Court deems fit and proper in the facts and circumstances of the present case may kindly be also passed in favour of the Petitioners.”

2. The narration in the petition is that Village Kondli was one out of 65 villages that was merged into Delhi from Uttar Pradesh. Subsequent to the notifications and declarations issued under Section 4 and Section 6 of the Land Acquisition Act, 1894 (LAA) respectively, the impugned Awards were passed from 1972-73.

3. Learned counsel for the Petitioners seeks leave to withdraw the petition

with liberty to file a fresh petition properly explaining the inordinate delay in approaching the Court for relief.

4. The writ petition and applications are dismissed as withdrawn with liberty as prayed for.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 10, 2019

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