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

+ **W.P.(C) 2287/2015 & C.M. Appl.No. 7887/2018**

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

versus

UNION OF INDIA & ORS Respondents
Through Ms. Shobhna Takiar, Advocate for
Respondent/DDA
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**

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 as possession of the lands mentioned in the writ petition have never been taken away by the Respondents and as khasra numbers 551/441 min (2-11), 451/441 (2-11), 451/441-min (2- 11), 452/441 (4-06), 552/441/2 (4-06), 552/442/2 (4-06), 552/442 (4-06), 552/442 (7-01) and 552/442 min (7-01), are in acres situate at Village Kondli, New Delhi-110096;

(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 lands of the Petitioners situated upon khasra numbers 551/441 min (2- 11), 451/441 (2-11), 451/441 min (2- 11), 452/441 (4-06), 552/441/2 (4-06), 552/442/2 (4-06), 552/442 (7-01) and 552/442 min (7-01), 552/442(4-6), which are in acres situate at Village Kondli, New Delhi-110096;

(c) Writ, Order or direction in the nature of mandamus directing the Respondents that the land acquired by the Respondents vide two award Nos. 80/82-83 and 66/83-84 vide Khasra No. 55-1/441(5-0), 552/441 (4-06) and 442 (7-01) are not situated upon the lands of the Petitioners as the lands of the Petitioners are situated upon Khasra No. 551/441 min (2-11), 451/441 (2- 11), 451/441 min (2-11), 452/441 (4-06), 552/441/2 (4-06), 552/442/2 (4-06), 552/442 (7-01) and 552/442 min (7-01), 552/442(4-6), which are in acres situate 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 two award Nos. 80/82-83 and 66/83-84 vide Khasra No. 551/441(5-0), 552/441 (4-06) and 442 (7-01) are not situated upon the lands of the Petitioners as the lands of the Petitioners are situated upon Khasra No. 551/441 min (2-11), 451/441 (2-11), 451/441 min (2-11), 452/441 (4-06), 552/441/2 (4-06), 552/442/2 (4-06), 552/442 (7-01) and 552/442 min (7-01), 552/442(4-6), which are in acres, situated at Village Kondli, Delhi;

(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 that Village Kondli was one out of 65 villages that was merged into Delhi from Uttar Pradesh. According the

counter affidavit filed by the LAC, notifications under Section 4 of the Land Acquisition Act, 1894 (LAA) were issued on 24th November 1981 and 17th November 1980 followed by declarations under Section 6 of LAA on 24th May 1982 and 29th September 1981 respectively. The Awards were passed on 26th October 1983 and 10th March 1983 respectively.

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 petition and application are dismissed as withdrawn with liberty as prayed for.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 10, 2019

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