

\$~

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

26

+ **W.P.(C) 6188/2018**

RAY MUKHERJEE & CO.

..... Petitioner

Through: Manoj Swaroop and Ms Lalita Kohli,  
Advocates.

versus

GOVT OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr Yeeshu Jain and Ms Jyoti Tyagi,  
Advocates for R-1/GNCTD.  
Ms Mrinalini Sen and Ms Niharika  
Jauhari, Advocates for DD/R-2.  
Mr G.D. Mishra, Standing Counsel  
for EDMC/R-3.

**CORAM:**

**JUSTICE S.MURALIDHAR**

**JUSTICE I.S.MEHTA**

**ORDER**

%

**15.03.2019**

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

“a) Issue an appropriate writ, order and direction to the respondents for quashing/declaring of the acquisition proceeding arising out of the notification under section 4 of the and Acquisition Act dated 13.11.1959 and the award No. 6C/71-72 supplementary dated 31.CB-197 of village Abadi of village Gharonda Neem Ka Bangar in Khasra bearing No. 394 min situated in the village Abadi of Village Gharonda Neenn Ka Banger now Known as Kiran Jyoti Complex, 82, Pratap Nagar Colony, New Delhi-110091, lapsed and further de-notify the same as a consequential relief;

b) Pass such other or further order as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case

in favour of the petitioner and against the respondents.”

2. In the petition itself, the averment is that the land in question, in respect of which the above relief is being sought is actually a built up area forming part of ‘Kiranjyoti Complex’. This becomes apparent from the averments in paragraph 1 titled ‘facts of the case’. In particular, in paragraphs 1 (iii) and (iv), it is stated as under:

(iii). That the land on which the Kiranjyoti Complex is situated was notified for acquisition under section 4 of the Land Acquisition Act, 1894 vide Notification dated 13.11.1959 by the appropriate Government. This was followed by an award bearing No. 6C/71-72 Supp. Passed on 31.03.1977. But no compensation has been paid to the land owners nor the physical possession was ever taken over by the DDA.

(iv) That the entire colony known as Pratap Nagar in which the Kiranjyoti Complex falls wherefrom the petitioner was earning their livelihood was earlier an unauthorized colony, was later regularized vide Govt. of India, Ministry of Health, Family Planning & Urban Development No.18011(28)767- UD dated 14.2.1969 as reported in Notification No.F.12 (108 )/86/L& B/Part 26291 dated 14.7.1987 by the Delhi Administration wherein it was further clarified that Administration of Union Territory of Delhi hereby denotified 155 colonies as mentioned in the enclosed list (declared as Development areas) Pratap Nagar is shown as D.A. No. 143 vide notifications issued from time to time. The staff of DDA involved in maintenance work also stands transferred to M. C. D. with immediate effect. Copy of Notification dated 14.07.1987 is enclosed as ANNEXURE P-2.”

3. It is therefore apparent that subsequent to the passing of the land acquisition Award, an entire unauthorized colony, “known as Pratap Nagar in which the Kiranjyoti Complex falls”, came up and was later regularized

by a notification dated 14<sup>th</sup> July, 1987 which is more than ten years after the Award was passed.

4. In that view of the matter, the question of granting any relief to the Petitioner of invalidating the land acquisition proceedings as prayed for at this stage, does not arise.

5. Faced with the above consequence, learned counsel for the Petitioner seeks leave to withdraw this petition.

6. Dismissed as withdrawn.

**S. MURALIDHAR, J.**

**I.S. MEHTA, J.**

**MARCH 15, 2019**  
*rd*