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

+ **W.P.(C) 3297/2015 & C.M. Appl.No. 7886/2018**

DHYAN SINGH AND ORS. Petitioners

Through Mr. Gaurav Puri & Mr. Aditya Bali,
Advocates

versus

DELHI JAL BOARD AND ORS. Respondents

Through Mr. Divanshu Lahiry for Mr. Sumeet
Pushkarna with Mr. Kamal Kant, JE for
Respondent No.1/DJB

Mr. Vivekanand Mishra, Sr.Panel counsel,
Mr. Brajesh Kumar & Mr. Vipul Aggarwal,
Advocates for Respondent/UOI

Mr. Pawan Mathur, Standing counsel 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 Khasra No. 345 (3-18),

376 (12-18), 396 (0-15), 399 (14-02), 400 (1-04), 397 (4-04), 398 (3-09), total area is 40-10 acres admeasuring 194-08 bighas out of which vide award No. 57/81-82 from the above mentioned khasra numbers. 40-08 bighas have been acquired and compensation received, leaving a balance of 153-18 bighas, situated 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 Khasra No.345 (3-18), 376 (12-18), 396 (0-15), 399(14-02), 400 (1-04), 397 (4-04), 398 (3-09), total area is 40-10 acres admeasuring 194-08 bighas out of which vide award No. 57/81-82 from the above mentioned khasra numbers. 40-08 bighas have been acquired and compensation received, leaving a balance of 153-18 bighas;

(c) Writ, order or direction in the nature of mandamus that in case the Respondents want to acquire the said lands of the Petitioners situated at Khasra No.345 (3-18), 376 (12-18), 396 (0-15), 399 (14-02), 400 (1-04), 397 (4-04), 398 (3-09), total area is 40-10 acres admeasuring 194-08 bighas out of which vide award No. 57/81-82 from the above mentioned khasra numbers. 40-08 bighas have been acquired and compensation' received, leaving a balance of 153-18 bighas, the Respondents may do same under The Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

(d) 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. According to the counter affidavit filed by the LAC, compensation was disbursed to the recorded owners way back in 1978, 1980 and 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 the above reliefs.

4. The petition and application are dismissed as withdrawn with liberty as prayed for. The interim order dated 2nd February 2017 stands vacated.

S.MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 10, 2019

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