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

+ **W.P.(C) 3567/2015 & C.M. Appl.No. 7890/2018**

SHYAM & ORS. Petitioners

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

versus

UNION OF INDIA & ORS. Respondents

Through Mr. Bhagvan Swarup Shukla, CGSC
with Mr. Kamaldeep, Advocates for Respondent
No.1/UID

Mr. Himanshu Bajaj, Advocate for Respondent
No.2/DDA

Mr. Anupam Varma, Mr. Nikhil Sharma & Mr.
Abhishek Pundir, Advocates for Respondent
No.5/BSES/YPL

Mr. Siddharth Panda, Advocate for
Respondent/LAC/L & B

Mr. Sanjay Dewan & Ms. Nishima Arora,
Advocates for Respondent/District Magistrate
(East)

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 Nos. 437(4-01),

439 (4-04), 567/283 (4-10), 408 (2-11), as is evident from the above mentioned khatauni of the year 1975-76, in total area/rakba 15-06 acres equivalent to 73-08 bighas situated at Village Kondli, New Delhi-110096 and as the Respondents have only acquired meagre 15-06 bighas leaving a balance of 58-02 bighas of land equivalent to 12 acres approx.;

(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 15-06 bighas leaving a balance of 58-02 bighas of land equivalent to 12 acres approx. Situated upon khasraNos. 437(4-01), 439 (4-04), 567/283 (4-10), 408 (2-11);

(c) Writ, order or direction in the nature of mandamus that in case the Respondents want to acquire the remaining lands admeasuring 58-02 bighas equivalent to 12 acres approx. of the Petitioners situated at khasra Nos. 437(4-01), 439 (4-04), 567/283 (4-10), 408 (2-11) 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 Award Nos. 80/82-83 & 4/79-80 are merely 15-06 bighas and the Respondents have not acquired the remaining lands of the Petitioners admeasuring 58-02 bighas of land equivalent to 12 acres approx.

(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. According to the counter affidavit filed by the LAC, subsequent to the notifications and declarations issued under Section 4 and Section 6 notification under Section 4 of the Land Acquisition Act, 1894 (LAA) respectively, the impugned Awards were passed on 22nd May 1979 and 10th March 1983.

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 reliefs.

4. The writ 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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