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

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+ **W.P.(C) 11236/2015**

SHAFI MOHAMMAD & ORS. Petitioners
Through: Ms Mandeep Sidhu, Advocate.

versus

UNION OF INDIA & ANR. Respondents
Through: Mr Dhanesh Relan, Standing Counsel
for DDA with Mr Rajeev Jha and Ms
Gauri Chaturvedi, Advocates for
DDA.
Mr Yeeshu Jain and Ms Jyoti Tyagi,
Advocates for LAC/L&B.

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE SANJEEV NARULA

ORDER
11.02.2019

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CM 6097/2019 (exemption)

1. Allowed, subject to all just exceptions.

CM 6096/2019 (restoration)

2. For the reasons stated therein, the application is allowed. The Writ Petition is restored to file.

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

“It is, therefore, respectfully prayed that this Hon Court may be
leased to issue a writ / order / direction in the nature of
certiorari calling for the records of the acquisition proceedings
with respect to the lands comprised in khasra No. 118/1(1-14),

38(4-16), 63/1(00-11), 64(1-13), 41/1(4-00), 91/1(1-08), 92/2/1(00-01), 94/2(1-01), 102(4-16), 103(4-16), 106(4-16), 107(3-05), 115/1(3-00), 123/1(3-04), 124/2(3-02), 98/2(00-19), 184(4-16), 25(18-06), 27(2-04), 40(3-08), 41(18-07), 56(12-01), 57(16-01), 80(3-03), 89(1-04), 312/91(4-02), 92(10-01), 195(3-06), 198(3-02) total measuring 147 bigha 03 biswas situated in the revenue estate of Village Pul Pehladpur, New Delhi, acquired vide Award. 839/1958-59 of the petitioners and further to pass appropriate writ, order or directions declaring the acquisition proceedings to have lapsed and have become inoperative under sec.24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act of 2013 as no compensation in respect of acquired land have been paid to the petitioners and their predecessors.

OR

Further to pass appropriate writ, order or direction, directing the respondents to returned/ handover the actual physical possession of unutilized and vacant land of the petitioners to the petitioner as per their share.

OR

In the alternative direct the respondent No. 1 to acquire the afresh under the Right to Fair Compensation and Transparency in Land Acquisition of Rehabilitation Act' 2013 and further to pay compensation under the aforesaid Act.”

4. Learned counsel for the Petitioners states that the Petitioners may be permitted to withdraw the petition with liberty to file a fresh petition only in respect of Khasra No.184 (4-16). The Court note that even for that relief, the Petitioners would have to explain the delay in approaching the Court.

5. Consequently, the present petition is permitted to be withdrawn with

liberty to file a fresh petition limited to the claim of the Petitioners in respect of Khasra No.184 (4-16) and further subject to the Petitioners explaining the delay in approaching the Court for relief, as stated above.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

FEBRUARY 11, 2019

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