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

+ **W.P.(C) 8575/2024 and CM APPL. 35070/2024**

SH RAM NATH & ORS.

..... Petitioners

Through: Mr Vinod Sehrawat, Advocate.

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr Sanjay Kumar Pathak, Standing Counsel with Mr M.S. Akhtar, Mr Mayank Arora and Mr Sunil Jha, Advocates.

Ms Shobhana Takiar, Standing Counsel for DDA with Ms Razia, Advocate.

Mr R.K. Dhawan, Standing Counsel for DDA/R-2 with Ms Nisha Dhawan, Mr V.K. Teng, Ms Shivani Taneja and Ms Anwesha Singh, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

31.05.2024

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1. Issue notice.
2. The learned counsel appearing for the respondents accepts notice.
3. The petitioners have filed the present petition, *inter alia*, praying as under:

“A. Issue a writ, order or direction in the nature of mandamus or any other appropriate writ, order or direction directing the respondents to decide the representation dated 06.09.2022 of the petitioner for de-notifying the land of



the petitioners and execute Re-conveyance deed in favor of the petitioners;”

4. The petitioners are *Bhumidar* of the land measuring 14 bighas 1 biswas bearing Khasra No.30/17/2(1-9), 19/2(2-10), 22(1-10), 23(3-16), 24/1(3-11), 24/2(1-5) comprising in Khasra No. 5/19 (4-09) situated within the revenue Estate of village Jhuljhuli, New Delhi (hereafter *the subject land*). The petitioners claim that the said land was acquired in terms of the award no.61/86-87 for “increasing the capacity of Najafgarh Drain”. It is stated that the said scheme was thereafter cancelled and the petitioners land is not required for any public purpose. The petitioners submit that in another case, certain lands were acquired in village Goyala Khurd by an award no.1991 dated 29.08.1967 for improvement of Najafgarh Drain. Since the said scheme was cancelled, the concerned authorities have de-notified the part of the said land.

5. Essentially, the petitioners seek that their land acquired under the Land Acquisition Act, 1894 (hereafter the *LA Act*) be released under Section 48 of the LA Act. The petitioners state that one Kishan Welfare Association has made a representation for releasing the land from acquisition under Section 48 of the LA Act and the said representation was made on behalf of all residents of the Village including the petitioners. The petitioners seek that the representations made in this regard be decided.

6. In view of the above, we direct that in the event the petitioners made a representation for release of the land to the competent authorities, the same be considered in accordance with law.



7. The petition is disposed of in the aforesaid terms. The pending application is also disposed of.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

MAY 31, 2024
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