

Rajan Sharma And Ors vs Union Of India And Anr on 12 February, 2019

Author: S. Muralidhar

Bench: S.Muralidhar, Sanjeev Narula

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 7580/2018

RAJAN SHARMA AND ORS.

..... Petitioners

Through: Ms. Tejaswini Verma, Advocate for
Mr. Sukhbir Sejwal, Advocate.

versus

UNION OF INDIA AND ANR.

..... Respondents

Through: Ms. Mrinalini Sen, Standing Counsel
for DDA.

Mr. Yeeshu Jain, Advocate with Ms.
Jyoti Tyagi, Advocate for L&B/LAC.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

% 12.02.2019

1. The prayers in this petition read as under:

"It is, therefore, respectfully prayed that this Hon Court may be pleased 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 . 223/2 (3-14), 224/2(4-04), 231/2(4-16), 232(4-16) total measuring 17 bigha 10 biswas situated in the revenue estate of Village Pul Pehladpur, New Delhi, acquired vide Award. 63/82-83 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."

2. According to the narration in the petition, the notification under Section 4 of the Land Acquisition Act, 1894 ('LAA') was issued on 23rd January 1965 and a declaration under Section 6 of LAA was issued on 13th January 1969. The Award No. 63/82-83 was passed way back on 31st January 1983. There is no explanation for the inordinate delay in approaching the Court for relief.

3. Learned Counsel for the Petitioner seeks leave to withdraw this petition with liberty to file a fresh petition properly explaining the inordinate delay in approaching the Court for relief.

4. Dismissed as withdrawn with liberty as prayed for.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

FEBRUARY 12, 2019 ss