



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

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Judgment reserved on: 22.05.2026

Judgment delivered on: 14.07.2026

Judgment uploaded on: *As per Digital Signature~*

+ **LPA 78/2021**

DELHI DEVELOPMENT AUTHORITY

.....Appellant

versus

SATISH KUMAR

.....Respondent

Advocates who appeared in this case

For the Appellant : Mr. Anish Dhingra, Mr. Arihant Nowlkha
and Mr. Mohit Kumar, Advocates.

For the Respondent : Mr. R K Saini, Ms. Ujala Vishnoi, Mr.
Randeep Singh, Mr. Nitin Kumar and Mr.
Abhishek, Advocates.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

JUDGMENT

V. KAMESWAR RAO, J.

CM APPL. 7426/2021 (Condonation of delay)

1. For the reasons stated in the application, the delay of 380 days in filing the appeal is condoned.

2. The application stands disposed of.

LPA 78/2021 & CM APPL. 7425/2021 (Stay)

3. This intra-court appeal lays a challenge to the judgment dated



30.01.2020 passed by a learned Single Judge in W.P. (C) No.6113/2018, whereby the writ petition was allowed by quashing the letter dated 23.03.2015 issued by the Appellant herein i.e. the Delhi Development Authority, to the extent that it reduced the size of the plot allotted to the Respondent from 250 sq. yards to 40 sq. yards and further directed the Appellant to allot an alternative plot admeasuring 250 sq. yards, in terms of the Residential Scheme of Alternative Allotment, 1961 ("scheme/policy" hereinafter). The Respondent is the grandson of deceased Hari Ram whose land was acquired by the Appellant.

BACKGROUND OF THE LIS

4. At the outset, we find it apposite to narrate the facts as borne out of the impugned order passed by the learned Single Judge. On 13.11.1959, the Delhi Administration, Land and Building Department (Delhi Administration) issued a notification for large scale land acquisition. This was followed by another notification dated 19.01.1964. These notifications triggered large scale land acquisition whereby a parcel of land which was co-owned by the Appellant's grandfather, deceased Hari Ram was acquired. This action of the Delhi Administration was not challenged by him. An award dated 23.03.1965 was rendered whereby he was paid a compensation of Rs.5,066.25/- *qua* the land admeasuring 1 bigha, 15 biswas under the Scheme. This land was located in Khasra No.8, in Village Chirag Delhi, New Delhi.

5. On 30.11.1983, the Delhi Administration wrote to the Appellant recommending allotment of an alternate plot admeasuring 250 sq. yards, in South Zone, in favour of the Appellant's grandfather under the Scheme. On



01.08.1984, the Delhi Administration addressed another letter to the Appellant confirming this recommendation. Hari Ram passed away on 19.02.1986 and on the next day, i.e. 20.02.1986, the Appellant revised the policy *qua* allotment of alternate plots. In respect of the pending applications wherein the plot size does not exceed 1000 sq. yards, the size of the alternate plot which the Appellant would recommend for allotment stood reduced to 40 sq. yards. All such applicants were to be allotted plots under the Rohini Residential Scheme.

6. Subsequently, the deceased Hari Ram's wife, Smt. Bhagwan Devi deposited Rs.3,000/- towards earnest money with the Appellant on 13.06.1986. His son - Ved Prakash also deposited Rs. 3,000/- towards earnest money with the Appellant on the same day. However, Ved Prakash, (the son of the deceased Hari Ram) wrote to the Appellant *vide* letter dated 25.08.1986 that his mother had no right in the land and his right in the land should be safeguarded. The Appellant replied *vide* letter dated 10.02.1987 that the dispute among the family members should be resolved before the Court, for proper allotment of an alternative plot.

7. Thereafter, on 03.04.1989, the Appellant sent a letter addressed to the deceased Hari Ram while adverting to the letter dated 30.11.1983, conveying that he had been offered a land admeasuring 31.69 sq. mtrs. under the Rohini Residential Scheme. The letter conveyed that Rs.3,000/- should be paid as earnest money on or before 20.04.1989. It was also mentioned that the allotment would be done *via* draw of lots, along with other conditions etc. According to the Appellant, the earnest money was deposited. A plot admeasuring 31.69 sq. mtrs. was allotted – Plot No.86,



Pocket G-4, Sector 11, in a draw of lots held on 27.03.1991.

8. The Appellant *vide* letter dated 23.01.1996 informed Smt. Bhagwan Devi that the offer of allotment stood withdrawn due to failure of payment of the demanded amount within the stipulated time.

9. This was followed by another letter by the Appellant dated 02.02.1996 – whereby, Smt. Bhagwan Devi was called upon to submit certain documents, which, *inter alia*, included an affidavit giving details of the legal heirs of the deceased Hari Ram. She was also advised to apply for substitution of name in the letter dated 30.11.1983.

10. In 2015, the Appellant *vide* letter dated 03.02.2015, received a request from Satish Kumar, i.e., the Respondent herein, the grandson of the deceased Hari Ram to substitute his name in place of the deceased Hari Ram in the recommendation letter dated 30.11.1983, on the basis of two relinquishment deeds dated 12.11.2014 and 06.01.2015.

11. The Appellant complied with the request and incorporated the name of the Respondent in place of the deceased Hari Ram and conveyed the same to him by way of a communication dated 23.03.2015. The Respondent challenged the reduction of the plot size from 250 sq. yards to 40 sq. yards before the learned Single Judge.

12. It is the letter dated 23.03.2015, which the learned Single Judge has quashed to the extent that it reduced the size of the plot allotted to the Respondent from 250 sq. yards and directed the Appellant to allot an alternative plot admeasuring 250 sq. yards, in terms of the Scheme.



CONTENTIONS OF THE APPELLANT

13. Mr. Anish Dhingra, learned counsel appearing for the Appellant contended that *vide* letter dated 30.11.1983, the Delhi Administration had recommended for allotment an alternative plot measuring 250 sq. yards in South Zone to the grandfather of the Respondent under the Scheme in *lieu* of his land measuring 890 sq. yards in Khasra Nos. 8 and 504 of Village Chirag Delhi *vide* award no. 1802 dated 23.03.1965 as he had been found entitled to the same.

14. On 01.08.1984, the Delhi Administration confirmed the allotment of an alternative plot measuring 250 sq. yds. in South Zone to the grandfather of the Respondent. In the meantime, the policy of Large Scale Acquisition of Land in Delhi, 1961 was revised by the Under Secretary (ULCR) of the Delhi Administration. The change in policy relevant for the present case is reproduced as under:

“In respect of pending applications where land acquired is upto 1000 sq. yards, the plot size to be recommended to DDA shall be reduced to 40 sq. yards. All such applications shall be given a plot under the Rohini Residential Scheme irrespective of the area, where all land acquired was allocated.”

15. He submitted that both Ved Prakash and Smt. Bhagwan Devi deposited a sum of Rs. 3000/- each with the Appellant on 13.06.1986 towards earnest money. However, only one of them i.e. Smt. Bhagwan Devi informed the Appellant that Hari Ram passed away on 19.02.1986. Further, *vide* letter dated 25.08.1986, Ved Prakash conveyed to the Appellant that Smt. Bhagwan Devi had no right to allotment of the plot.

16. It is his submission that by letter dated 03.04.1989, the Appellant



issued an offer for allotment of an alternate plot under the Scheme, to the legal heirs of the deceased Hari Ram mentioning that the legal heirs of the deceased are entitled to the allotment of an alternative plot of 40 sq. yards since the plot acquired was 890 sq. yards. It was also mentioned in the said letter that the allotment is made under the revised policy of Delhi Administration that where land acquired is upto 1000 sq. yards, a plot size of 40 sq. yards has to be allotted in Rohini irrespective of the area from where the land was acquired. It was also informed that due to non-availability of fully developed plots, a semi-developed plot measuring 31.69 sq. mtrs in Rohini was offered. For this, the legal heirs were asked to deposit Rs.3,000/- towards earnest money on or before 20.04.1989, if they were interested in the allotment of the said plot.

17. He further submitted that the earnest money stood deposited in the year 1986, and a plot bearing No. 86, Block G, Pocket 4, Sector 11, in the Rohini Residential Scheme, admeasuring to 31.69 sq. mtrs. was allotted in the name of the legal heirs of the deceased Hari Ram through draw of lots held on 27.03.1991. Accordingly, a letter offering allotment was also issued to the legal heirs of the deceased Hari Ram. However, since the legal heirs failed to furnish the requisite documents for the substitution of their names as legal heirs, despite repeated reminders, the Appellant did not issue the allotment letter.

18. It is the Appellant's case that though the legal representatives were informed to comply with the necessary formalities, they took no action with respect to the same. Consequently, the Appellant wrote to Smt. Bhagwan Devi that the offer of allotment of the plot stood withdrawn / cancelled due



to her failure to pay the demanded amount within the stipulated time. She was also advised to apply for substitution of the names of legal heirs for the recommendation.

19. Pursuant to a letter dated 12.08.1992 received from Smt. Bhagwan Devi for substitution of name in the recommendation letter, the Appellant responded *via* letter dated 02.02.1996, asking her to furnish the list of requisite documents within 30 days.

20. Mr. Dhingra stated that as per the record of the Appellant, Smt. Bhagwan Devi passed away on 03.04.2007. Her four sons : Indersain Bhardwaj; Narsi Bhagat; Krishan Kumar and Ved Prakash Bhardwaj also passed away on 31.01.1991, 26.02.1991, 16.04.2004 and 01.09.2014 respectively. The surviving son – Om Prakash Bhardwaj and all the other remaining legal heirs of the deceased Hari Ram relinquished their shares in favour of the Respondent Satish Kumar, the son of Krishan Kumar. These relinquishment deeds were dated 12.11.2014 and 06.01.2015.

21. Thereafter, the Respondent applied for mutation of his name in the records of the Appellant. The Appellant informed him *via* letter dated 23.03.2015 that his name had been substituted in the place of his late grandfather. It was also informed to him that in view of the letter no. F.37(39)1/82-L&B/ Alt./ 370 dated 01.04.1987 received from Joint Secretary, (Land & Building) in cases where the land acquired is upto 1000 sq. yds and awards have been announced upto 03.04.1986, a plot size of 40 sq. yards is to be allotted in Rohini Residential Scheme. The Respondent challenged this letter in the proceedings before the learned Single Judge, wherein the impugned order was passed in his favour.



22. It is his case that the Appellant had contended before the learned Single Judge that the Respondent is not entitled to a plot measuring 250 sq. yards. He also challenged the impugned order on the ground of delay and laches on part of the Respondent approaching the Court. The Respondent did not appear before the concerned Court within a reasonable period of time and should not be entitled to the relief sought. According to him, the learned Single Judge has erroneously presumed that the delay by the Respondent was on account of the disputes among the legal heirs of the deceased, despite no document having been produced by the Respondent to evidence this.

23. He submitted that the learned Single Judge has wrongly relied upon the judgment in **Collector, Land Acquisition, Anantnag and Anr. v. Mst. Katji & Ors., (1987) 2 SCC 107** as the same is not applicable to the facts of the present case. Additionally, the reliance placed by the learned Single Judge upon the judgment of **Adarsh Sharma v. Union of India & Ors. 2006:DHC:18709-DB** is erroneous, as in that case, a policy brought about in the year 1989 was implemented and moreover, the DDA had already allotted the plot in 1986. However, in the present case, there was no allotment of plot until the draw of lots which took place on 27.03.1991 and prior to the said draw of lots, the legal heirs of the deceased Hari Ram were already intimated that as per the revised policy, they are only entitled to a plot size of 40 sq. yds.

24. Another ground taken by him is that the Appellant had communicated the change in the policy to the legal heirs of the Respondent in 1989. The legal heirs never objected to the change in allotment of the alternate plot and



this silence on their part should be deemed as acceptance of the plot measuring 40 sq. yards. Additionally, the Respondent had never sought the quashing of the letter dated 03.04.1989 or the policy of the Delhi Administration. Hence, they could not have challenged letter dated 23.03.2015.

25. He submitted that the learned Single Judge has wrongly observed that the letter dated 03.04.1989 was addressed to the deceased Hari Ram. The letter was, in fact, addressed to his legal heirs and duly served at the address of his legal heirs. According to him, the deposit of earnest money by the heirs pursuant to the letter dated 27.03.1991 implies their acceptance of the plot measuring 40 sq. yards. Notably, no objection was raised by any the legal heirs.

26. Reliance was placed by Mr. Dhingra on the judgment in the case of ***State of Jammu & Kashmir v. C R.K. Zalpuri and Ors., (2015) 15 SCC 602*** to contend that the petition should have been dismissed on delay and laches alone. Reliance was also placed by him on the case of ***Chennai Metropolitan Water Supply and Sewerage Board and Ors. v. T.T. Murali Babu, (2014) 4 SCC 108***; and ***City and Industrial Development Cooperation v. Dosu Andershi Bhiwandiwalla and Anr., (2009) 1 SCC 168***.

27. He has prayed that the impugned order be set aside.

CONTENTIONS OF THE RESPONDENT

28. *Per contra*, Mr. R.K. Saini, learned counsel appearing for the Respondent stated the reduction of the size of the alternate accommodation from 250 sq. yards to 40 sq yards is arbitrary and illegal.



29. His submission is that after the protracted scrutiny of the Respondent's entitlement, the Delhi Administration wrote to the Appellant, *vide* letter No. F.32 /5110 1180 -L& B/ALTI 40011 dated 30.11.1983, recommending allotment of an alternative plot measuring 250 sq. yards in South Zone to the grandfather of the Respondent under the Scheme *in lieu* of his land admeasuring 890 sq. yards in Kh nos. 8 & 504 of Village Chirag Delhi *vide* award no. 1802 dated 23.03.1965. Another letter dated 01.08.1984 bearing No. F.32(5Y1D1180-L&B/ALTJ23839, further confirmed the recommendation dated 30.11.1983.

30. He stated that the Respondent made numerous representations before the Appellant that the reduction of size of plot effected *vide* the letter dated 23.03.2015 is illegal and arbitrary as this Court has already settled the law in this regard in the case of ***Shiv Devi Viriley v. Lt. Governor of Delhi and Others, AIR 1987 Delhi 46***, which has also been reaffirmed in the case of ***Adarsh v. Union of India, LPA No.2593/2005*** wherein the order of reduction in size of plot has been held illegal and arbitrary. This judgment has also been upheld by the Supreme Court in SLP No. 21712/2006 titled ***DDA v. Adarsh Sharma and Ors.***

31. It is his submission that the Respondent made numerous representations dated 10.06.2013, 04.03.2014, 07.04.2014, 31.07.2014, 13.01.2015, 16.03.2015 and 06.01.2017 to the Appellant. He was assured by the Appellant that the issue is under consideration; however, no action was taken by the Appellant. It is stated that the action of the Appellant is in violation of Sections 21 and 22 of the Delhi Development Act, 1957 (the Act) and Articles 14 and 19 of the Constitution of India. He stated that the



right of the Appellant to an alternate plot measuring 250 sq. yards accrued under State policy, consequent to which the allotment in his name was confirmed. Hence, this right of the Respondent cannot be taken away by the Appellant.

32. According to him, the review of the policy of allotment of alternate plots took place on 15.09.1986 and thus became applicable only to those cases where the award was announced on and after 03.04.1986. The change was not retrospective and as such, could not affect the Respondent's right and entitlement to an alternative plot according to old policy. The Respondent cannot be deprived of his valuable rights to the land in the name of change of policy when in fact, the Appellant had found him entitled to the same and even issued the letter of allotment dated 01.08.1984. He has stated that the reduction of land from 250 sq. yards to 40 sq. yards is against the tenets of law and settled legal principles.

33. He has sought dismissal of the appeal.

ANALYSIS AND CONCLUSION

34. Having heard the learned counsel for the parties, the short issue which arises for consideration is whether the learned Single Judge is justified in quashing the decision of the Appellant to reduce the size of the plot allotted to the Respondent herein from 250 sq. yards to 40 sq. yards.

35. Suffice it to state, the land admeasuring 1 bigha and 15 biswas of the predecessor-in-interest of the Respondent, namely Hari Ram, was acquired by the Delhi Administration and an award in that regard was passed on 23.03.1965. On 30.11.1983, the Delhi Administration wrote a letter to the



Appellant recommending the allotment of an alternative plot of 250 sq. yards in South Zone in favour of Hari Ram. In effect, the Delhi Administration addressed a letter to the Appellant confirming this recommendation.

36. It is an admitted fact that Hari Ram expired on 19.02.1986. There is also no dispute that on the next day, i.e., 20.02.1986, the Appellant had revised the policy *qua* allotment of the alternative plots in respect of the pending applications wherein the plot size does not exceed 1000 sq. yards, the size of the alternative plot which the Appellant would recommend for allotment stood reduced to 40 sq. yards and the said applicants to be allotted the plots under Rohini Residential Scheme.

37. It may be also stated here that there was *inter se* dispute amongst the family members of Hari Ram. It is to be noted that Smt. Bhagwan Devi and Ved Prakash had deposited Rs.3,000/- each as earnest money towards the alternative plot of 250 sq. yards on the same date, i.e., 13.06.1986. On 03.04.1989, the Appellant sent a letter addressed to the deceased Hari Ram informing him that he has been allotted an alternative land measuring 31.69 sq. mtrs. This plot, bearing Plot No.86, Pocket G-4, Sector 11 was allotted in the draw of lots dated 27.03.1991, but the allotment letter was never issued. This was primarily because the legal heirs failed to furnish the documents sought by the Appellant for substitution of their names as legal heirs and failed to comply with the necessary formalities.

38. The Appellant *vide* a letter dated 03.02.2015, received a request from the Respondent herein, who is grandson of Hari Ram to substitute his name in place of deceased Hari Ram in the recommendation letter dated



30.11.1983, on the basis of the two relinquishment deeds dated 12.11.2014 and 06.01.2015. The Appellant complied with the request and incorporated the name of the Respondent herein in place of deceased Hari Ram.

39. Subsequently, by way of the letter dated 23.03.2015, the Appellant conveyed to the Respondent that as per the change in policy, the size of the alternative plot to be allotted stood reduced to 40 sq. yards. It is this letter, which was the subject matter of the challenge before the learned Single Judge.

40. The learned Single Judge in the impugned order, has stated as under:-

“32. I have heard learned counsel for the parties and perused the record.

33. As indicated above, the issue which arises for consideration before this court is : could the DDA have reduced the plot size based on a policy decision which was taken after the letter of recommendation had been issued in favour of the petitioner’s predecessor-in-interest?

34. A perusal of the relevant extract of the policy decision taken on 20.02.1986 would show that the policy applied to “pending applications”.

“ORDER

In a meeting held at Rajniwas on 20.02.1986 regarding allotment of alternative plots under the scheme, ‘Large-Acquisition Development and Disposal of the Land in Delhi’ following decision have been taken :

(a) In respect of pending applications where land acquired is upto 1000 sq. yds. the plot in size to be recommended to DDA shall be reduced to 40 sq. yds. All such applications shall be given a plot under the Rohini scheme irrespective of the area where the land acquired was allocated.

xxx xxx xxx”

(emphasis in mine)



35. Insofar as the petitioner's predecessor-in-interest was concerned, his application had been acted upon and a recommendation was made on 30.11.1983, which was, confirmed on 01.08.1984. The recommendation made was that Hari Ram should be allotted an alternate plot ad measuring 250 sqr.mtrs. It is not in dispute that the land which was acquired by the DDA ad measured 890 sqr.yds. against which compensation of Rs.5,066.24 was paid to the petitioner's predecessor-in-interest.

36. Besides this, Ms. Vishnoi is correct in her submission that the instant issue is covered by the judgment of the Division Bench of this court rendered in Adarsh Sharma's case. The relevant observations made by the Division Bench are extracted hereafter :

"The short question which has to be determined as to whether the Appellant who is entitled under the policy of 1989 or pursuant to the policy which existed prior to 1989. The letter issued by the Government of Delhi recommending the case of the Appellant was as per the policy which was in existence at that time. We find force in the argument of counsel for the Appellant that the Land and Building Department, Government of Delhi had recommended the case of the Appellant pursuant to the policy which was in vogue at the relevant time. As a matter of fact, our attention was drawn to the policy by the learned counsel for the DDA itself which is at page 52 of the paper book. As per this policy, the issue of allotment of plots by the DDA was discussed in a meeting held in the Chamber of the Lieutenant Governor of Delhi on 22.5.86. The policy makes abundantly clear that the DDA would allot plots to all eligible claimants and the size of the plot would be the same as recommended by the department i.e. the Department of Land and Building. Apart from that, it was also made clear that the allotment should be made in the same area as far as possible. This is how the allotment of plots by DDA have to be considered (page 53, para 2). Now let us examine as to whether the finding returned by the learned Single Judge is as per



the said policy of DDA and non-deposit of the amount by the Appellant was futile to get the relief sought for. Vide letter dated 6th February, 1986 as reproduced above, the Appellant was entitled for a plot measuring 250 square yards in the South Zone. We fail to understand as to how the letter dated 9th August, 1986 was written by the DDA implementing the policy of 1989 which had not yet come in force. The DDA was bound to allot land in the same locality where the land of the Appellant was acquired as per the allotment letter dated 6.2.86 and as per the policy reflected in the minutes dated 22.5.86. There is no dispute that the land of the Appellant was acquired by the DDA. If the DDA has to differ with the recommendation of the Land and Building Department, that has to be pursuant to certain policy of the DDA with notice to the affected party. Not only the policy has been changed and tinkered with but altogether the size of 250 square yards for which the Appellant was entitled has been reduced to 100 and 150 square yards and area from South Zone has been converted to North Zone just in a span of four months. Nothing has been placed on record as to how this change could have been done by the DDA. The decision to change ought to have been effected on account of some material either in terms of some policy or exigencies of the ground realities i.e. non-availability of the plot in South Zone or plots up to 250 square yards not being available. Nothing has been brought on record to suggest except letter of 9th August, 1986 pursuant to which the Appellant has been denied a plot of 250 square yards in complete negation of its own policy of the DDA. Therefore, we set aside the impugned order and direct the respondent-DDA to allot a plot of 250 square yards pursuant to the recommendation of the Department of Land and Building in terms of letter dated 6th February, 1986. As the stay order was passed in the writ petition on 4th September, 1989 directing the respondent-DDA to reserve a plot measuring 250 square yards in South



Zone and the same continued when the appeal was filed in this Court which came up for hearing on November, 2005, therefore, the respondents are directed to give the allotment letter of a plot measuring 250 square yards in South Zone at the rates of the year 1989 within a period of four weeks and on the receipt of the allotment-cum-demand letter, the Appellant shall deposit the same within four weeks.”

(emphasis in mine)

36.1 As noted above, the judgment of the Division Bench was taken up in appeal to the Supreme Court. The Supreme Court dismissed the special leave petition on 19.07.2013 and while dismissing the petition, the court observed that there was “no merit” in the matter.

36.2 It is also not in dispute that the DDA had filed a review petition which, like the special leave petition, was dismissed by the Supreme Court vide order dated 25.02.2014. Thus, insofar as this court is concerned, it is bound by the judgment of the Division Bench, qua which, both the special leave and review petition, were dismissed.

37. The submission of Mr. Oberoi that the petition should be dismissed on account of delay and laches does not impress me. Both the predecessor-in-interest of the petitioner and the petitioner himself had been following-up the matter with the DDA. Though, there may not be an explanation of each day’s delay, the petitioner has, broadly, explained the delay (see Collector, Land Acquisition, Anantnag and Another versus Mst. Katji and Others, (1987) 2 SCC 107).

37.1 As noted above, some part of the delay was on account of the dispute which erupted amongst the legal heirs of the deceased Hari Ram. Once this was sorted out, the petitioner made representations to the DDA on 25.02.2015, 01.07.2015, 26.11.2015, 29.02.2016 and 01.02.2018 wherein, inter alia, the DDA was requested to consider the case for allotment of plot in the light of the judgment of the Division Bench of this court in Adarsh Sharma’s case.

37.2 Concededly, these representations were not dealt with by the DDA.

38. Mr. Oberoi’s contention that the offer made vide letter



dated 23.03.1991 for allotment of an alternate plot ad measuring 31.69 sqr.mtrs. was accepted was pivoted on deposit of earnest money by Smt. Bhagwan Devi and Mr. Ved Prakash.

39. On being queried, Mr. Oberoi was unable to show any acceptance of the offer made by the DDA. The fact that, once again, the earnest money of Rs.3,000/- was deposited pursuant to a letter issued in that behalf would not imply that the petitioner's predecessor-in-interest had given up their claim for allotment of an alternate plot ad measuring 250 sqr.yrds.

40. Given these circumstances, the prayer made in the writ petition will have to be allowed. Accordingly, the impugned letter dated 23.03.2015 to the extent it reduces the plot size from 250 sq.yds. to 40 sq.yds. is quashed.

41. The DDA will allot in favour of the petitioner an alternate plot ad measuring 250 sqr.yrds. in terms of the Scheme. Undoubtedly, the petitioner will have to pay the current rates for the land allotted to him.

42. Since the matter has been pending for a very long period, the petitioner's case for allotment will be considered by the DDA in the mini-draw which follows hereon.

43. The captioned writ petition is disposed of in the aforesaid terms."

41. As can be seen from the above, the learned Single Judge has relied upon the judgment of a Coordinate Bench of this Court in **Adarsh Sharma (supra)** and held that that the case is covered by this decision.

42. However, we note that the Coordinate Bench while deciding the petition, was not shown the decision of the Full Bench of this Court in the case of **Ramanand v. Union of India & Others, AIR 1994 Delhi 29**, which has conclusively settled the issue with regard to the right of a party for allotment of alternative plots. In fact, even in **Adarsh Sharma (supra)**, no reference is made to the Full Bench decision in **Ramanand (supra)**.



43. The Full Bench in **Ramanand (supra)** had posed to itself two questions while considering the matter. Question No.1, which is relevant for this case, is reproduced as under:-

“1. Whether a person whose land has been acquired for planned development of Delhi has got a vested right to the allotment of alternative plot of land for residential purposes?”

44. The Full Bench in **Ramanand (supra)** in paragraph nos.26-28 has held as under:-

“(26) In the present case, letter dated 28th of December 1988 (AnnexureP.2) did not convey even a firm offer to the petitioner for allotment of a plot. Indeed, copy of the said letter sent by the Delhi Administration to the petitioner made the position abundantly clear that it did not carry any legal commitment for allotment of a plot. The relevant portion reads thus: "THE allotment of alternative plot is subject to the availability of plot with the Delhi Development Authority. However, it may clearly be noted that this letter does not carry will the legal commitment for the allotment of alternative plot."

(27) Lastly, on the basis of certain observations made in a Full Bench decision of this Court in Shiv Devi V. Lt. Governor, Delhi, 1986 R.L.R.557, it was contended that it is in public interest that individuals who have lost their land as a result of acquisition should be given alternative accommodation, and that it is the duty of the State to give the same. In our opinion, observations to this effect were made, in paras 20 and 21 of the judgment, for explaining the beneficial object of the scheme for allotment of alternative plots, in a different context. In that case, reference to the Full Bench was made on the question as to who is entitled to the benefit of allotment of a plot on the acquisition of land. This question had arisen in the light of three phases of acquisition proceedings envisaged under the Land Acquisition Act, namely, when the notification under Section 4 is issued, when the declaration under Section 6 is



made, and when the land is actually acquired by making an award. Earlier, "the view taken by various Benches was that individuals whose land has been acquired would be considered for allotment of an alternative plot for residential purpose in certain circumstances. Then, in *Krishan Kumar Manik V. Union of India and others*, it was held that the person who owned the land at the time when the notification under Section 4 was issued, and not the subsequent transferees, would be entitled to apply for an alternative plot. The Full Bench disagreed with the view taken in *Krishan Kumar Manik's* case and confirmed the view taken earlier that individuals whose land had been acquired would be "entitled to be considered" for allotment of a plot "in certain circumstances". It was further held that any one whose land has been acquired "is entitled to apply" for allotment of an alternative plot. The observations made in this judgment really go against the proposition sought to be advanced on behalf of the petitioner.

(28) As a result of the above discussion, we find that an individual whose land has been acquired for planned development of Delhi, has no absolute right to allotment, but, he is eligible to be considered for allotment of an alternative plot for residential purposes; and that the DDA may allot Nazul land to such an individual, in conformity with the plans and subject to other provisions of the Nazul Rules."

45. In the present case, the letter dated 30.11.1983 written by the erstwhile Delhi Administration to the Appellant, copy whereof was forwarded to the grandfather of the Respondent, reads as under:-

"DELHI ADMINISTRATION, DELHI
LAND & BUILDING DEPARTMENT
VIKAS BHAVAN, DELHI

NO.r.32/5/10 1/80-L&B/ALT/40011 Dated the 30.11.1983
To,
Deputy Director(Residential),
Delhi Development Authority,



New Delhi

Subject: Allotment of alternative Plot Under the Scheme of "Large Scale Acquisition, Development & Disposal of Land in Delhi-1961"

Sir,

I am directed to request you to allot a plot measuring 250 sq. yds. (Two Hundred Fifty Square Yards) only to Hari Ram S/o Smt. Asarfi Devi in South Zone Residential Scheme in lieu of his land measuring 890 Square yards in Kh nos. 8 & 504 of Village Chirag Delhi vide award no. 1802 dated 23.03.65 as he has been found entitled for the same.

You are requested to acknowledge the receipt of this letter and have the recommendation confirmed from the Sec. or Joint Secy. (L&B) Delhi Administration. Delhi before making allotment as recommended.

*Yours faithfully
sd*

*(C.B. Yadav)
Deputy Director, (ALLOT)*

*Copy Forwarded to Shri Hari ram S/o Smt.Asarfi Devi R/o H. No. 512, Chirag Delhi. Further correspondence in the matter may please be made with the above mentioned officer. **The allotment of alternative plot is subject to the availability of plot with the Delhi Development Authority** and that in case by virtue of allotment of this plot you come to hold in excess of the ceiling limit. He shall apply to the Competent Authority as per the provisions of Sec. 15 of the Urban Land Ceiling & Regulation Act, 1976. However, it may clearly be noted that this letter does not carry with the legal commitment for the alternative plot.*

*Your's faithfully
Sd*

*(C.B. Yadav)
Deputy Director, (ALLOT)"*

(emphasis supplied)

46. This was followed by a further letter dated 01.08.1984 from Delhi



Administration to the Appellant confirming its recommendation dated 30.11.1983 for allotment of an alternative plot. The said letter is extracted below:-

ANNEXURE P-3 TYPED COPY
DELHI ADMINISTRATION; DELHI
LAND & BUILDING DEPARTMENT
VIKAS BHAVAN; DELHI

NO.F.32(5)/101/80-L&B/ALT/23839 Dated the 1/08.1984

To,
Deputy Director(Residential),
Delhi Development Authority,
New Delhi

Subject : Confirmation of alternative allotment.

Sir,

With reference to your letter no.F.27(129)/83 LSD® dated 20.12.83 on the subject cited above, the recommendation for allotment of an alternative plot measuring 250 sq. yds. in South Zone to ShriHari Ram S/o Smt. Asarfi Devi R/o House No.512,Chirag Delhi in residential Scheme as contained in this department's letter of even number dated 30.11.83 is hereby confirmed.

Yours faithfully
Sd/
(K.N JOSHI)
Joint secretary (L&B)

Registered Ad.
NO.F.32(5)/101/80-L&B/ALT/23840 dated 01/08/84 (L&B)

Copy to ShriHari ram S/o SmtAsarfi Devi R/o H.No/. 512, Chirag Delhi for information . In case by virtue of allotment of this plot you come to hold in excess of the ceiling limit laid down under the provisions of Urban Land Ceiling & Regulation Act, 1976, You shall apply in Competent authority u/s 15 of Act.

Your's faithfully
Sd/
(K.N JOSHI)
Joint secretary (L&B)

COPY OF A COPY
Examiner
Examiner Court

47. It has however come on record that the Appellant did not allot or offer to allot an alternative plot admeasuring 250 sq. yards to Hari Ram in pursuance to the said letters. The issue of allotment of an alternative plot to Hari Ram remained pending with Appellant and he passed away on



19.02.1986. In the meantime, Delhi Administration revised the policy *qua* allotment of alternate plots on 20.02.1986, whereunder the plot size to be recommended stood reduced to 40 sq. yards.

48. A perusal of the letter dated 30.11.1983 shows that the Delhi Administration had clarified to Hari Ram that allotment of the alternative plot would be subject to availability of plots.

The first offer of allotment issued by the Appellant *qua* in pursuance to the recommendation of the Delhi Administration is dated 03.04.1989. This letter offered plot of land admeasuring 31.69 sq. meters in terms of the policy dated 20.02.1986. As such, the conclusion of the learned Single Judge that a substantive right to an alternative plot measuring 250 sq. yards has accrued to the Respondent, as on 01.08.1984 is not appealing, more so in view of the ratio in **Ramanand (supra)**. So also, the Respondent's contention that the letter dated 01.08.1984 issued by Delhi Administration, GNCTD is akin to letter of allotment is incorrect as the letter of allotment has to be issued by the Appellant herein, which was only issued on 03.04.1989; and this letter was for 40 sq. yards.

49. In **Amolak Raj (supra)**, the Appellant therein was allotted a plot of land admeasuring 200 sq. yards under Rohini Residential Scheme. The Appellant approached this Court contending that he was entitled to a plot admeasuring 800 sq. yards as another evacuee had been provided a plot measuring 800 sq. yards under the same notification. However, this Court had observed that the allotment made in favour of that evacuee was much prior to the date of the recommendation to the Appellant. The Supreme Court while referring to the decision of the Full Bench of this Court in



Ramanand (supra) has held as under:-

“The full bench of the High Court in the case of Ramanand (supra), noticed in the impugned judgment, held that a person whose land has been acquired has no absolute vested right to claim allotment of a plot as a matter of right; of course if a scheme provides for allotment of alternative plot, the same could be considered based on the scheme and the policy; it is clear from the records that the scheme of allotment of alternative plots for the persons whose lands are acquired was modified from time to time; the Appellant was allotted a plot as per the prevailing policy and the scheme as on the date of allotment. In our view, the Appellant could not claim to be allotted a plot in a particular area of his choice, even the recommendation made in his favour as extracted above clearly shows that allotment of alternative plot was subject to availability of plot with the DDA and that recommendation for allotment was not a legal commitment for allotment of alternative plot. In this view, the High Court was right in dismissing the writ petition following its earlier full bench judgment.”

50. We have already noted that the recommendation letter dated 30.11.1983 stated that the allotment would be subject to availability of plots. Going by the ratio of the judgments in **Ramanand (supra)** and **Amolak Raj (supra)**, it must be held that the Respondent cannot claim any vested right to claim allotment of the plot measuring 250 sq. yards as per the letter dated 30.11.1983 and 01.08.1984. In fact, the only right that has accrued to the Appellant is to have his case considered based on the Scheme and the policy.

51. That apart, it is a conceded position that there was some *inter se* dispute among the family members and heirs of Hari Ram, which was finally resolved only in the year 2015. Appellant had issued the offer of



allotment of plot measuring 31.69 sq. meters on 03.04.1989 and called upon the legal heirs Hari Ram to deposit Rs. 3,000/- towards earnest money on or before 20.04.1989, if they were interested in the allotment of the said plot. This was followed by a draw of lots held on 27.03.1991 and plot bearing no. 86, Block-G, Pocket-4, Sector-11, Rohini stood ear-marked/allotted. However, since the legal heirs failed to take steps for accepting the allotment and executing the requisite documents, no allotment letter could be issued by the Appellant. In fact, the Appellant cancelled the offer of allotment dated 27.03.1991 due to inaction of the legal heirs of Hari Ram, *vide* its letter dated 23.01.1996.

52. There was complete inaction by the legal heirs of Hari Ram from 1991 or 1996 until 23.03.2015 in pursuing the option of alternative allotment, due to their inter-se disputes. It is only upon such resolution in the year 2015 that a request was made by the Respondent to the Appellant to substitute his name in place of deceased Hari Ram in the recommendation letter dated 30.11.1983, on the basis of the two relinquishment deeds dated 12.11.2014 and 06.01.2015. The said request was accepted by the Appellant by way of impugned communication dated 23.03.2015, though by expressly stating that the Respondent shall be entitled to only up to 40 square yards under the Scheme. The said communication reads as under:

**““DELHI DEVELOPMENT AUTHORITY
LAND SALES BRANCH RESIDENTIAL)
Block-C-11, 3 Floor Viaks Sadan, INA, New Delhi-110023,**

**No. F.27(129) 83/LSB (R)/DDA/703 Dated 23.03.2015
To
Shri Satish Kumar
S/o late Sh. Krishan Kumar**



R/o Flat No 218, Suraj Apartment,
MIG DDA Flats, Pul, Pehlادpur
New Delhi-110044.

Sub substitution of name in place of the name of the deceased recommendee in recommendation letter no, F.32/5/101/80/Alt 40011 dated 30.11.1983

Sir,

With reference to your letter dated 03.02.2015 on the subject noted above. I am to inform you that consequent upon the death of Shri. Hari ram S/o Smt. Asarfi Devi, the recommender of 40 sq. Yds, alternative residential plot in West Zone and on the basis of the documents furnished by you & other legal heirs including copy of relinquishment deed duly registered as document no 6075 in Book No.1, Vol. No. 837 on page 69-74 dated 12.11.2015 in the office of Sub Registrar, SR VA Hauz Khas, New Delhi, the name of Shri Satish Kumar is substituted in place the name of his deceased Grandfather late Sh. Hari ram in the recommendation letter no, F32/5/101/80/L&B/Alt/40011 dated 30.11.1983. it may be worth mentioning here that your recommendation has been received for 250 sq yds but jt. Secretary (land & Building) Vide her letter dated 137(397/1/82-L&B/Ah/370 dated 01.04.87 addressed to Commissioner (lands) DDA clarified that in case where land acquired m up to 1000 Sq. Yds and awards have been announced up to 3rd April 1986 a plot size of 40 Sq. Yds. is to be allotted in Rohini Residential Scheme.

The substitution is allowed subject to verification of genuineness of recommendation from Land & Building Department, GNCTD. Now onwards you are the recommendee of alternative plot under reference. The other terms and conditions of allotment/ lease deed shall remain unchanged and binding upon you.

Please note that in case at any later stage, it is found that substitution has been obtained by filing false documents, mis statements or misrepresentation then it will be deemed a



case of concealment of facts/fraud and substitution so allowed shall automatically be treated as cancelled/withdrawn and property shall vest with the Lessor.

Yours Faithfully

Sd/23.03.2015

Dy. Director (LA) Resdl.

Copy to:

1. Dy. Commissioner (Income tax), CR. Bldg. ITO, New Delhi-110002

2. Sr. Accounts Officer(R), DDA

3. Lease Clerk, LSB (R), DDA

Dy. Director (LA) Resdl.”

53. As is evident from the perusal of the correspondence between the parties starting 1989, the Appellant had informed the legal heirs of the deceased Hari Ram *vide* letter dated 03.04.1989 that they are entitled only to a plot of size 40 sq. yards as the land which had been acquired in their case was 890 sq. yards, which is less than 1000 sq. yards according to the Scheme. The same letter also conveyed to them that due to non-availability of fully developed plots, a plot admeasuring 31.69 sq. meters was being offered to them for allotment, for which earnest money was also sought. There was an intervening offer of allotment in the year 1991, which was not availed. The Appellant's offer of 1989 was not contested by the legal heirs (including the Respondent) till the year 2015. Much delay occurred primarily for reasons purportedly attributable to the dispute between the family members of the deceased Hari Ram and not to the Appellant. The legal heirs of the deceased Hari Ram, including the Respondent, had not challenged the 1986 policy change or the subsequent 1989 reduction in the size of the allotted plot, till 2015. If the Respondent had challenged the reduction in the size of the plot sometime immediately, after it happened in



1989, and it had approached the Court at that stage, the same would have certainly placed the legal heirs of Hari Ram or the Respondent on a better footing. However, no such challenge to the 1989 offer of allotment was made till 2015 by the legal heirs of Hari Ram. Even no request was made by any of the legal heirs, to either the Appellant or before any Court, that a plot size admeasuring 250 sq. yards be reserved or kept aside, pending the resolution of the *inter se* disputes among the legal heirs. No steps were taken by any of the legal heirs to secure their right to the alternate plot of land admeasuring 250 sq. yards. This we say so, because, admittedly, despite repeated reminders from 1991 to 1996, no documents were furnished by the Respondent or the other legal heirs for substitution of name in the letter dated 30.11.1983 in the records of the Appellant, for a proper allotment of plot to be granted. In fact, the Appellant through a letter dated 10.02.1987, even recommended the legal heirs to resolve their *inter se* disputes. Hence, the lack of necessary steps on their behalf cannot shift the delay onto the Appellant. Much water has flown since 1989 till 2015, when the name of the Respondent was substituted and a challenge to the reduction of plot size was made for the very first time. These facts indeed substantiate the plea of the Appellant that the challenge by the Respondent to the letter dated 03.04.1989 is barred by delay and laches. Appellant is a development authority which holds the land parcels as a custodian of the public and is under an obligation to make allocations to citizens in a timely manner so that eligible persons can have the land for their needs. Land in Delhi is a scarce resource and Respondent due to its willful inaction from 1989 to 2015 has frittered away its right, if any, to challenge the Appellant's offer of allotment of 31.69 sq. meters for being in contravention of the recommendation made



by Delhi Administration on 30.11.1983 and 01.08.1984. The writ ought to have been dismissed on this ground alone.

54. It should also be noted that it is nobody's case that the stand of the Appellant that there is non-availability of fully developed plots has changed since 1989.

55. Be that as it may, as observed earlier in paragraph 48 above, the confirmation letter did not confer any substantive legal right on the predecessor-in-interest of the Respondent to claim allotment of 250 sq. yards. Hari Ram and his legal heirs were, at best, entitled to be considered for the allotment of an alternate plot as per the existing policy.

56. For the foregoing reasons, we are of the view that the impugned judgment of the learned Single Judge to the extent it directs Appellant to allot plot admeasuring 250 sq. yards is erroneous and needs to be set aside. The Appellant is directed to allot a plot admeasuring 40 sq. yards or 31.69 sq. meters to the Respondent, for which the Respondent shall pay the current rates for the land allotted to him. It is ordered accordingly.

57. Consequently, the appeal is allowed. The pending application has become infructuous and is disposed of. No costs.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

JULY 14, 2026

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