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IN THE HIGH COURT OF DELHI AT NEW DELHI

Reserved on: 5th February, 2020

Date of decision: 27th April, 2020

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W.P. (C) 563/2011

JAGDISH CHANDER CHADHA

..... Petitioner

Through: Mr. Gaurav Mahajan and Mr.
Rakesh Chadha, Advocates.
(M: 9811688721)

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr. Anurag Ahluwalia, CGSC
with Mr. Abhigyan Siddhaant
and Mr. Shaurya Jain,
Advocates for UOI. (M:
9811418995)

CORAM:

JUSTICE PRATHIBA M. SINGH

JUDGMENT

Prathiba M. Singh, J.

Brief Facts

1. The plight of the common citizen who has to deal with multiple authorities is evident from the present case wherein all authorities, including the Land and Development Officer (*hereinafter*, “L&DO”), the Ministry of Labour and Rehabilitation i.e., the predecessor-in-interest of the L&DO and the Municipal Corporation of Delhi (*hereinafter*, “MCD”), despite repeated orders of this Court, have not been able to verify any of the following facts:-

- (1) The authenticity/genuinity of the original documents placed on record by the Petitioner.
- (2) The authenticity/genuinity of the sanctioned plan issued by the MCD.

- (3) The signatures and position of the various officials who have signed the documents produced by the Petitioner.
- (4) Whether the officers replying to the Petitioner were on the rolls of the respective government authorities.
2. It is in this background that the present petition is being decided by this Court.
3. One Mr. K.C. Chadha/original allottee (*hereinafter, "original allottee"*), who was the owner of Plot Nos. 387/388, Double Storey, New Rajinder Nagar, New Delhi – 110060 (*hereinafter, "Plot Nos. 387/388"*), was issued an allotment letter dated 10th August, 1971 (*original document produced*). The said letter reads as under:-

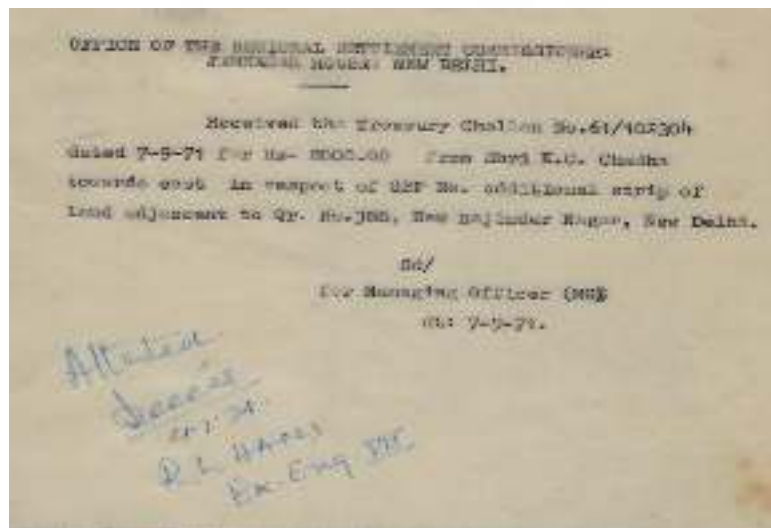
"It is proposed to allot/transfer to Sh. / Smt. K.C. Chadha allottee/transferee of quarter No. /Plot No. 80 and additional strip of land measuring 388 NRN Sq. Yds. adjoining the above said plot/property on the following terms and conditions:-

- 1. That allotted/Lessee shall not construct the building independently or as an extension on the additional strip of land now offered to him/her or shall not put it to any use, without getting the approval of the Local Body to the land use of the plot so allotted to him now.*
- 2. That he will deposit within 15 days from the date of receipt of allotment order with the Reserve Bank of India New Delhi after having the necessary challan from this office, A sum of Rs. 8,000/- as cost price of the additional piece of land @ Rs.100/- per Sq. Yds.*
- 3. That he/she will execute the lease deed in the form approved by the Govt. of India, in this behalf.*
- 4. That he will pay ground rent @ Rs.1/per 100*

Sq. Yds. as part thereof, per annum from the date of occupation/allotment/transfer whichever is earlier.

5. *That if he fails to notify his/her acceptance of this offer within 15 days from the date of receipt of this letter, the offer would be deemed to have been withdrawn."*

4. As per the above letter, an additional strip of land, which was adjacent to the plot of the original allottee, was proposed to be allotted to him. The plot number of the additional strip of land was 388 and the land measured 80 sq. yards. However, a perusal of the above letter shows an error in the filling up of the form by hand as the two numbers appear to have been interchanged. The original allottee was to deposit a sum of Rs. 8,000/- as the cost price at the rate of Rs. 100 per sq. yard. He deposited this amount on 7th September 1971. Two documents have been placed on record to prove the said deposit. One is a photocopy of a receipt issued on 7th January, 1971, which contains the signature "*for Managing Officer (MG)*" and the second document is an attested copy of the receipt, attested by Mr. R.L. Hans, Executive Engineer on 4th January, 1974. The attested copy is set out below:-



5. The original allottee was thereafter issued a No Objection Certificate dated 16th August, 1973 permitting him to construct a basement on the additional strip of land attached to Plot Nos. 387/388 on the condition that the construction would be in accordance with the bye-laws of the local authorities.

6. The original allottee then obtained a sanction of the building plan which was conveyed to him on 26th March, 1974. The original sanctioned plan bearing the date 26th February, 1974 has been placed on record which shows that the same has been submitted by Mr. K.P.K and Associates, Architects and Engineers, 780 - DB Gupta Road, Karol Bagh, New Delhi. The sanctioned plan permits construction on the ground floor, first floor and the *barsati* floor. The plan also has a sketch of how the plot where the construction was proposed to be made is adjacent to the main building on Plot Nos. 387/388.

7. The original allottee carried out construction and also made a representation for issuance of a registered sale deed in his favour on 9th January, 1976. The original allottee, however, passed away on 2nd February, 1982. Various representations were made by/on behalf of the Petitioner – i.e., the son of the original allottee, for execution of a sale deed in respect of the additional strip of land and mutation of the additional strip of land in his name, as well as for freehold rights in the said additional strip. In support of this request, the Petitioner relied upon the Will of his father dated 10th December, 1981 wherein the additional strip of land admeasuring 80 sq. yards was bequeathed in his favour. Representations were again made on 6th May, 2005, 27th July, 2005, 28th July, 2005 and 22nd December, 2005 to various authorities. Vide letter dated 27th December, 2005, the Petitioner

requested the MCD for a copy of the completion certificate, however, on 10th January, 2006, the MCD informed the Petitioner that records prior to 1984 were not available and thus, the completion certificate could not be supplied.

8. On 22nd November, 2008, the Petitioner's father's Will was probated and letters of administration in respect of the 80 sq. yard plot were issued in favour of the Petitioner. The Petitioner again made repeated representations to the authorities, however, since no favourable response was received, the present petition was filed. The prayer in the writ petition is as under:-

“(a) Issue a writ, order or direction in the nature of certiorari, mandamus or any other writ, order or direction for recalling the order dated 15.11.2010 whereby they have shown their inability to verify the documents and allot 80 Sq. Yards strip of land adjacent to 388, Double Storey, New Rajinder Nagar, New Delhi which was allotted vide letter dated 10.08.1971 and directing the respondents to issue sale certificate/Conveyance deed/Mutation of the property of additional Strip of land adjacent to house No. 387-388 Double Storey, New Rajinder Nagar, New Delhi 110060 on the basis of Policy in existence in 1971 and thereafter and not on the basis of present policy.

(b) Further be pleased to restrain the respondents by means of permanent injunction from cancelling the allotment of additional Strip of land adjacent to house No. 387-388 Double Storey, New Rajinder Nagar, New Delhi 110060 and restraining them from taking any illegal act or action in respect of the property such as taking possession or demolishing of the property.

(c) Costs of the proceedings may also be awarded in favour of the petitioner and against the respondents; and

(d) Any other relief which this Hon'ble court deems fit and proper in the facts and circumstances of the case

may also be awarded in favour of the petitioner and against the respondents.”

9. In the petition, the Petitioner has relied upon the allotment of an additional strip of land in favour of a similarly placed party in the same colony, namely, Dr. Bhai Mahavir Singh. The Petitioner also placed on record letter dated 25th February, 2010 issued by the Reserve Bank of India (*hereinafter, “RBI”*) wherein the RBI has stated that the treasury challan of Rs.8,000/- could not be verified as the said record had already been destroyed.

Procedural History

10. Initially, on 31st January, 2011, a Id. Single Judge of this Court had dismissed the writ petition on the ground that the delay of nearly 23 years between 1981-82 and 2005, i.e., the period when the father of the Petitioner expired, leaving behind a Will bequeathing the additional plot of land in favor of the Petitioner and when the Petitioner made the first representation, was not explained. This order was reversed by the Id. Division Bench on 10th March, 2011 for adjudication on merits. The operative portion of the Division Bench order reads as under:

“Having heard learned counsel for the parties, we are of the considered opinion that this being a litigation of a different nature and additionally the Will having been probated, it cannot be said that the appellant was trying to put forth a claim in vacuum. Further, as per the case of the appellant, his father had applied for allotment of additional strip of land on 10.8.1971 and on 7.9.1971, Rs.8,000/- was deposited vide treasury challan. Subsequently, on 16.8.1973, no objection certificate was issued for construction on the additional strip of land subject to the condition that the

construction should be in accordance with the byelaws. MCD had also sanctioned building plans vide letter dated 26.3.1974.

It is the case of the appellant that the building was constructed on the additional land. The present case relates to mutation of the land in favour of the appellant. Regard being had to the factual matrix, we are inclined to set aside the impugned order and remit the matter to the file of the learned Single Judge for adjudication on merits.

The appeal is allowed to the extent indicated above without any order as to costs.”

11. In the counter-affidavit filed by Respondent Nos.1 and 2 i.e., the Union of India (*hereinafter*, “UOI”) and the L&DO, it was argued that the strip of 80 sq. yards is marked as a ‘Green Area’, however, no document was filed to support this claim. In respect of the various documents which were placed on record by the Petitioner, the UOI and the L&DO’s stand was that the documents do not support the case of the Petitioner. In so far as the verification of the documents was concerned, the stand of the UOI and the L&DO was that despite repeated efforts, the old records could not be traced and hence the documents could not be verified. It was also stated that an inspection of the property was carried out on 21st August, 2006, according to which the total area in occupation was 139.91 sq. yards, which the UOI and the L&DO argued was encroached upon by the Petitioner.

12. On 2nd January, 2013, original documents were produced by the Petitioner before this Court and the same were handed over to the officer of the L&DO for verification. The Court also directed the UOI and the L&DO to place on record an affidavit in respect of the policy prevalent at the relevant time with regard to allotment of additional strips of land. MCD

(Central Zone) was impleaded as a Respondent in the petition. The UOI and the L&DO were to co-ordinate with the MCD in respect of the sanctioned plan and address this issue in their affidavit. The MCD was also directed to file an affidavit clarifying whether the sanctioned plan handed over in original by the Petitioner was genuine or not.

13. Two affidavits were then filed on behalf of the L&DO and the North Delhi Municipal Corporation (*hereinafter*, “NrDMC”) i.e., one of the successors to the MCD. The affidavit filed by the L&DO stated that the L&DO was unable to confirm receipt of Rs. 8,000/- as the old records could not be traced. The second affidavit filed on behalf of the NrDMC stated that the sanctioned plan of 1974 was not available as the office was shifted to another location and the documents in respect of the property in question could not be traced.

14. On 18th July, 2016, this Court observed as under:-

“Learned counsel for the petitioner submits that the copies of the documents, as directed by order dated 02.01.2013 have, already been furnished to the respondents. Learned counsel for the respondents submits that the affidavit, in terms of the order dated 02.01.2013, was filed on 15.03.2013. Perusal of the affidavit dated 15.02.2013 shows that the affidavit does not deal with the issues detailed in the order dated 02.01.2013.

The respondents shall file an affidavit verifying the authenticity of the documents furnished by the petitioner. The respondents shall also verify whether the officers who have purportedly signed the letter dated 10.08.1971, 16.08.1973, 26.03.1974 and 09.01.1976 (which is a letter written by the petitioner but received in the office of the Chief Settlement Commissioner on 09.01.1976) were serving in the said

position on the relevant dates. The respondents shall also disclose in the affidavit whether such a policy was prevalent with regard to allotment of additional lands to neighbouring properties.

Let the affidavit be filed within a period of six weeks.

Renotify on 15.11.2016.”

15. As per the above order, the Respondents were again directed to verify the authenticity of the documents furnished by the Petitioner and whether the officers who had signed the letters were serving in the respective positions and whether there was a policy prevalent in the 1970's in respect of allotment of additional lands. Once again, an affidavit was filed on behalf of the UOI on 11th November, 2016, which simply concluded as under:-

“7. This office is not in a position to verify whether such a policy for grant of additional strip of lands to neighboring properties existed in the Deptt of Rehabilitation during 1971 or not, however a copy of Policy Orders dated 28/01/1980 and 01/04/1980 regarding disposal of strips of land in Rehabilitation Colonies in Delhi issued by M/o Supply & Rehabilitation are placed at Annexure II & III respectively.”

16. Thus, no policy of 1971 was placed on record. Instead, two policies of 1980 were placed on record. In view of this, on 15th November, 2016, an additional affidavit was directed to be filed as under:-

“A request for an adjournment is made on behalf of counsel for respondent no. 1.

The affidavit filed by respondent no. 1 indicates that the office of L&DO would not be in a position to state whether a policy with regard to the allotment of additional land to the neighbouring properties was prevalent during the period 1971-76 as the Ministry of Home Affairs would be the appropriate authority.

Since respondent no. 1 is Union of India, the same is directed to file additional affidavit disclosing whether such a policy was prevalent during the period 1971-76 within a period of four weeks.

Re-notify on 19.01.2017.”

17. As per the above order, in view of the stand taken in the affidavit that the Ministry of Home Affairs was the relevant authority, a further affidavit was called for. Pursuant to the order dated 15th November 2016, a further affidavit was filed on 17th February, 2017 by the UOI which again simply stated that old records of the policy prevalent during 1971-76 could not be found. An inspection report of 4th October, 1972 (*hereinafter*, “1972 Report”) was, however, placed on record vide this affidavit, as per which the additional strip of land had been encroached. The affidavit further alleged that another inspection report dated 18th October, 2006 (*hereinafter*, “2006 Report”) revealed that land even beyond the additional strip of land was occupied.

18. On 19th January, 2018, time was granted to the L&DO to file a fresh affidavit. Vide affidavit dated 20th March, 2018, the L&DO took the stand that the letters filed by the Petitioner cannot be verified and even the incumbency position of the officers who signed the letters is not available. The L&DO also stated that similar letters signed during the relevant period by the officers, namely, Mr. G.P Mathur and Mr. G.S. Masand, could not be verified. No record on the policy of transferring additional strips of land for 1971-76 was also found. It was further stated that a show-cause notice dated 14th November, 1975 was issued to the father of the Petitioner wherein damages were sought to be imposed for the unauthorized use and occupation of the additional strip of land. However, the outcome of the said show-cause

notice was not filed. The L&DO stated that since the Petitioner had concealed the show-cause notice dated 14th November, 1975 and a representation made by the R Block Welfare Association had been rejected by the then competent authority, no relief ought to be granted to the Petitioner.

Submissions

19. Ld. counsel for the Petitioner, Mr. Gaurav Mahajan, submitted that the documents on record clearly show that the Petitioner and the original allottee i.e., the Petitioner's father, had been allotted the additional strip of land measuring 80 sq. yards. All relevant documents were stated to have been given to the government authorities. It was further submitted that the plan was also sanctioned by the MCD and construction was then carried out. Ld. counsel thus argued that the Petitioner is entitled to have the sale deed in respect of the said additional strip of land executed in his favour.

20. On behalf of the Government, Mr. Anurag Ahluwalia, CGSC submitted that there has been an inordinate delay in the present case of more than 23 years. Two inspections were conducted on 4th October, 1972 and 18th October, 2006, both of which show encroachment by the Petitioner. The Petitioner was also stated to be guilty of concealing the notice dated 14th November, 1975. Ld. counsel relied upon ***Gian Chand Tuteja v. Union of India and Ors [WP(C) 8195/2008, decided on 27th February, 2019]*** to argue that in a similar case, the Court had rejected the prayer of a party who had encroached upon government land. Thus, it was prayed that the present petition be dismissed.

Findings

21. Arguments have been heard on behalf of the parties. During the course of hearing, the following original documents have been placed on record:-

- (1) Original allotment letter dated 10th August, 1971.
- (2) Original treasury challan No.61/102304 dated 7th September, 1971 for Rs.8,000/-.
- (3) Original attested copy of the receipt dated 7th September, 1971 for Rs. 8,000/-.
- (4) Original of letter dated 16th August, 1973 for issue of no objection for construction.
- (5) Original letter dated 26th March, 1974 by which MCD sanctioned the building plan.
- (6) Original letter dated 9th January, 1976 requesting for issuance of the sale certificate.
- (7) Original Agreement dated 11th March, 1974 between the Petitioner and MCD.
- (8) Original Sanctioned Plan dated 26th February, 1974.

22. The chronology of events in the present case shows that though doubts have been raised by the authorities as to the authenticity and genuinity of the documents filed by the Petitioner, the same lack any sound basis. The original documents, which date back to 1971, have been perused by this Court and have also repeatedly been shown to the officers of the UOI, the L&DO and the MCD/NrDMC. Repeated opportunities have been given to the UOI, the L&DO and the MCD/NrDMC to verify the authenticity of the documents, however, in all the affidavits which have been

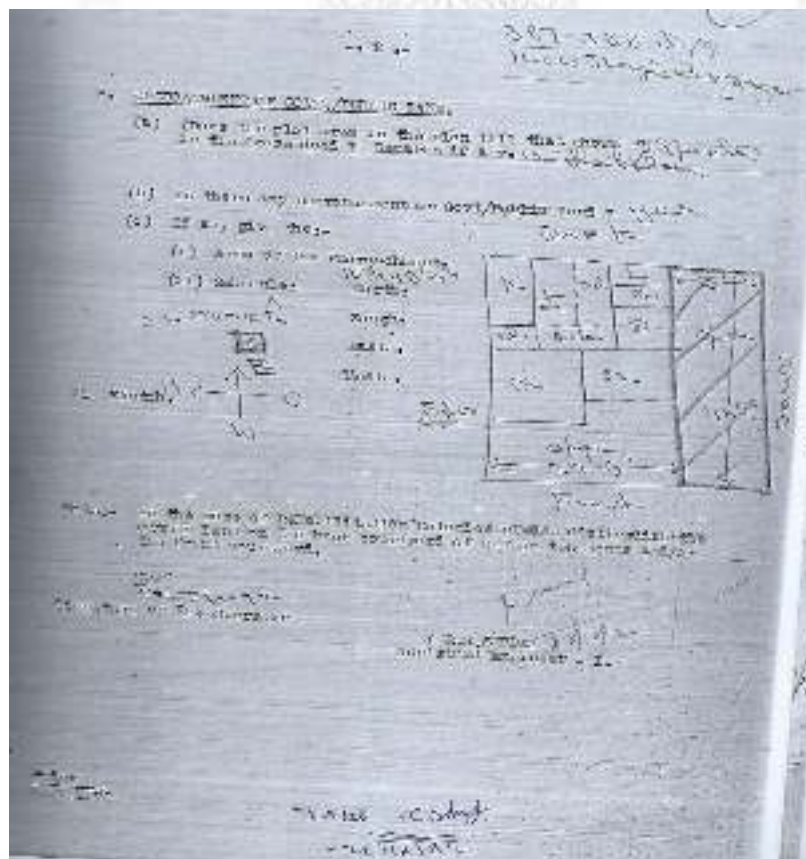
filed by them, the only stand taken is that records are not available and thus, the authenticity of the documents cannot be verified. This is true not just of the L&DO but also the Ministry of Labour and Rehabilitation, the MCD/NrDMC, the RBI etc.

23. The procedural history also shows that the authorities have not just failed to verify the documents but have also, despite repeated opportunities, failed to inform the Court as to whether the signatories of those letters were holding positions at the relevant time in the respective offices. This stand of the authorities is not acceptable to this Court as, firstly, the records ought to be traceable especially since valuable rights of citizens are involved. Secondly, the refusal to confirm the fact as to whether the officers who have signed the letters were on the rolls of the authorities and were holding the relevant positions, also goes to show that there is a lack of intention to cooperate and assist the Court. The original documents having been produced by the Petitioner and the Respondents having failed to raise any tenable challenge in respect thereof and also owing to the failure to respond as to the incumbency of the officers concerned, this Court accepts the original documents as being genuine. Thus the petition is decided on the original documents filed by the Petitioner.

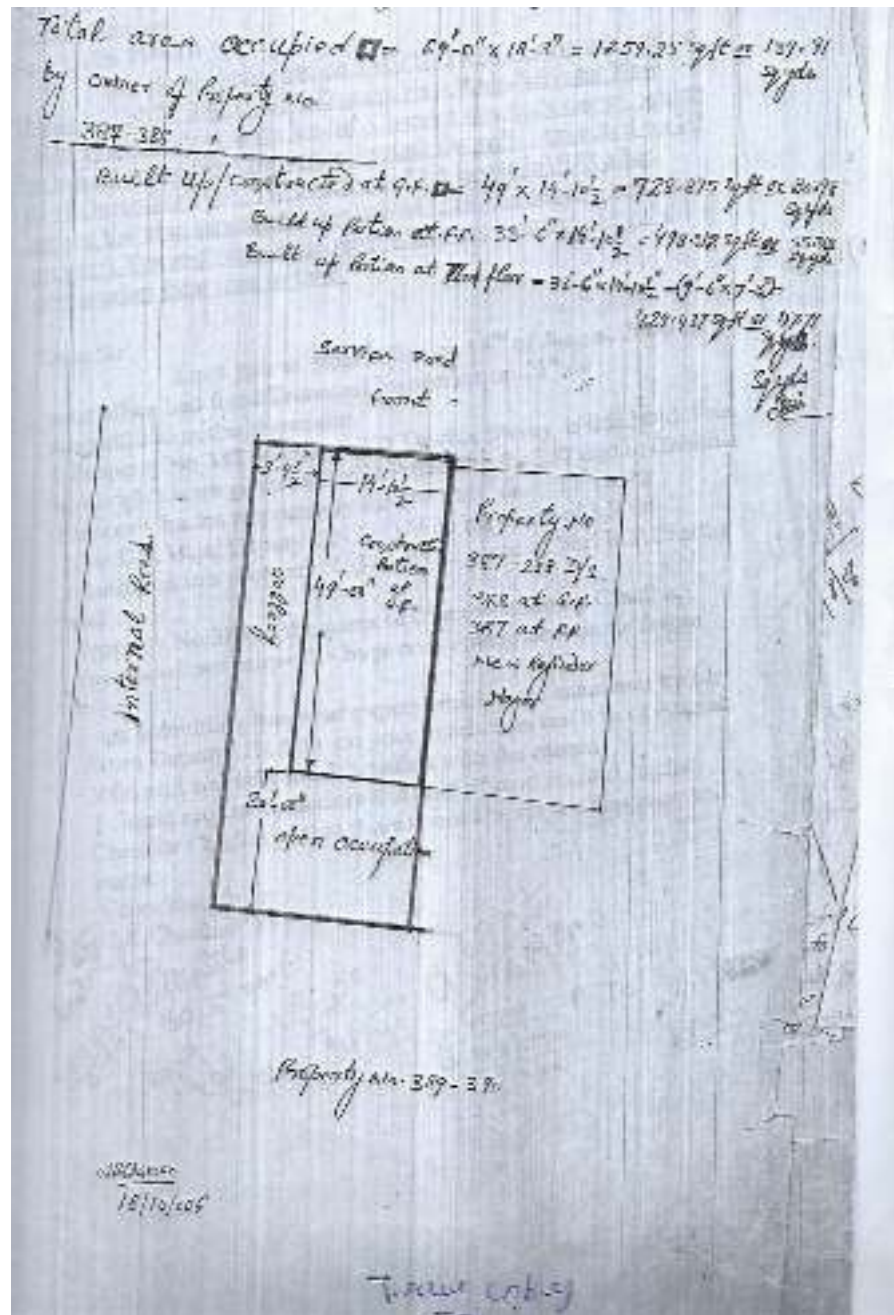
24. The documents which have been placed on record show that there was an allotment made vide letter dated 10th August, 1971 (*original document produced*) and the original allottee had contemporaneously deposited the sum of Rs. 8,000/-, as demanded. The fact that the deposit was made is reaffirmed by the No Objection Certificate dated 16th August, 1973 (*original document produced*) by which the Ministry of Labour and Rehabilitation permitted construction on the additional strip of land. The MCD's letter

dated 26th March, 1974 (*original document produced*) also clearly records the grant of permission for commencement of construction. This is further confirmed from the original sanctioned plan which was submitted on 28th February, 1974 and approved by the MCD within a period of one month.

25. As against these documents, the argument of the UOI, the L&DO and the MCD/NrDMC that the Petitioner was guilty of encroachment of public land is to be examined. The UOI, the L&DO and the MCD/NrDMC rely upon two inspection reports, the 1972 Report dated 4th October, 1972 and the 2006 Report dated 21st August, 2006. The 1972 Report shows that the 80 sq. yard plot (15' x 48'.9'') is an open area but terms it an '*area of encroachment*':



26. The 2006 Report shows that there is construction on the 80 sq. yard plot to the following extent:



Ground Floor – 80.98 sq. yards.

First Floor – 55.368 sq. yards.

Second Floor - 47.71 sq. yards.

27. In none of the floors the construction is beyond 80 sq. yards. However, both inspection reports show that there is about 20-22 sq. yard of land which is in open occupation. In the 1972 Report, the 80 sq. yard area, which is also an open area, is being treated as an '*encroachment*' and in the 2006 Report, the entire area of 80 sq. yards plus the 20 sq. yard of open area and the gallery adjoining the 80 sq. yard piece of land is treated as being under '*occupation*'.

28. It is clear that in 1972, there was no construction on the additional strip of land. It was only after the building plan was sanctioned in 1974 that the construction must have been carried out. It is not the case of either the UOI, the L&DO or the MCD/NrDMC that the construction in the 80 sq. yard additional strip is beyond the sanctioned plan. The contention is that since the area under occupation was never allotted and more than the said area is occupied by the Petitioner, the Petitioner is guilty of encroachment. Considering the fact that the construction is not beyond the sanctioned plan and the alleged area of encroachment is actually under open-occupation (maybe for the purpose of car parking or some green patch), the argument of the UOI, the L&DO and the MCD/NrDMC that the Petitioner is guilty of encroachment would not be correct.

29. Moreover, the encroachments being mentioned by the UOI, the L&DO and the MCD/NrDMC in the two inspection reports are of two different portions. In the 1972 Report, the occupation of the 80 sq. yard strip in the form of an open patch of land is being considered an encroachment and in the 2006 Report, the area under open occupation is about 20 ft. in front of the 80 sq. yard strip of land, along with the 80 sq. yard plot of land and the gallery. The 1972 Report fails to consider the allotment letter of

1971 and the 2006 Report does not take into consideration the allotment letter, payments made as also the sanction given by the MCD for the construction. Thus, an analysis of the two inspection reports clearly shows that there is no consistency between them and there is clearly no construction beyond the sanctioned plan. At best, the case of the Respondents can be that, the area under open occupation adjacent to the 80 sq. yards strip cannot be occupied by the Petitioner. The argument of the UOI, the L&DO and the MCD/NrDMC that there has been either unauthorized construction or encroachment is thus not tenable if the occupation and construction on the 80 sq. yards additional strip is deemed to be legal.

31. However, the area under open occupation is not part of the 80 sq. yard additional strip of land which was initially allotted to the Petitioner's father and for which the execution of the sale deed is being sought. In respect of the said open area, no rights can be claimed by the Petitioner.

32. Insofar as the authenticity, validity and genuinity of the various documents is concerned, the originals have been produced before this Court. The only defence being that the said originals are not traceable as the records are not available, any doubt raised in respect of the documents is not liable to be accepted. The documents belonged to various authorities and also related to different time periods. The deposit of Rs.8,000/- in the treasury is established from two documents i.e., the photocopy of the receipt dating back to 1971 (*original document produced*) and the attested copy of the said receipt issued on 4th January, 1974 (*original document produced*). The governmental authorities are not confirming the authenticity of these

documents despite repeated opportunities and are not even willing to take a stand as to whether these Officers were, in fact, working at the relevant point of time and whether any other relevant document could be shown to verify their signature. Clearly, therefore, there is no information forthcoming from the Respondents and there is no reason whatsoever for this Court to disbelieve the Petitioner.

33. The UOI relies on the show-cause notice dated 14th November, 1975, a copy of which has been placed on record with the latest affidavit dated 20th March, 2018. The said notice further establishes the fact that the Petitioner is in possession of the 80 sq. yds. strip of land and only damages are being called upon to be paid, for unauthorized occupation and use. This notice fails to take into account the initial allotment, the payment made by the owner, the sanction of the building plan, the construction thereupon by the owner and all the relevant circumstances. There is no clarity as to whether the said notice was received by the owner, whether any reply was given etc., Even the Respondents are not clear as to whether any proceedings were initiated pursuant to the show-cause notice and if so what was the conclusion thereof. Thus, the mere issuance of the show-cause by itself, cannot deprive the Petitioner for the allotment of the additional strip of land.

34. Insofar as the two judgments cited by the Respondents are concerned, the said two judgments relate to a completely different set of facts. The judgment in *Gian Chand Tuteja (supra)* relies upon *Dharam Raj v. UOI & Ors. [W.P. (C) 3271/2008, decided on 25th February, 2019]*. In these cases, the Id. Single Judge of this Court came to the conclusion that the amount was not deposited within the time-period prescribed and hence, the offer made by the Government had not been accepted by the allottee. Thus, the

Court held that there was actual encroachment. In the present case, however, the amount has been paid as per the allotment letter and it has not even been argued by the Respondents that the amount was not paid within time. As per the original documents placed on record, the allotment letter dated 10th August, 1971 was received by the allottee on 17th August, 1971 and he deposited the requisite amount on 7th September, 1971. Thereafter, no objection was received from the L&DO. The building plan was also sanctioned by the MCD and construction was carried out as per the sanctioned plan. The Petitioner has been in occupation of the 80 sq. yds. strip of land since 1971. The two inspection reports do not show any encroachment into government land. Except the construction on the 80 sq. yds. strip which is as per the sanctioned plan, there is no other construction. The 80 sq. yard strip was allotted to the Petitioner's father and the payment was duly made. An open patch of land is being included with the 80 sq. yard strip to argue that there is encroachment in respect of the entire area. The said open patch is, at best, under open occupation.

35. The age of the Petitioner is more than 90 years. His two brothers occupy Plot No. 387-388 in terms of the Will of their father dated 10th December, 1981. The Will of their father bequeathed in favour of the Petitioner as under:

“3. That I desire that, on partition of the said Joint Family house No. 387/388, the ground floor hereof be given to my son Shri Chander Kishore and the Upper floor of the said house to my son Shri Ram Parkash and the land adjoining towards the South measuring about 80 Square yards should be given to my son Shri Jagdish Chander and I bequeathe my own

undivided interest herein also to my said three sons accordingly.”

36. Letters of administration have already been issued in respect of the said Will without any objections from the other brothers. The Petitioner's father Mr. K.C. Chadha fought a long battle with the authorities and passed away before the sale deed could be executed in his name, owing to the recalcitrant attitude of the authorities. The Petitioner has also fought a long battle since 2011. Despite repeated orders having been passed the government authorities have not been able to satisfy this Court that the documents are not genuine. Under these circumstances, the present petition is liable to be allowed.

37. Accordingly, the UOI and the L&DO are directed to execute a conveyance deed and carry out mutation in favour of the Petitioner for the 80 sq. yards strip of land adjoining Plot Nos. 387-388 within eight weeks after removal of lock-down, which has been announced due to COVID-19. Insofar as the portion of land in front of the additional strip of land, which is alleged to be in open occupation of the Petitioner is concerned if the Petitioner is willing to pay occupation charges to the L&DO in respect thereof, the Petitioner may make a representation to the L&DO in respect thereof. The said representation would be decided within a period of three months after the lockdown is lifted. If the payment as determined by the L&DO is not made by the Petitioner, within the time prescribed, the Respondents are permitted to take possession of the land under open occupation in front of the 80 sq. yards strip of land. The original documents be returned to the Petitioner through his counsel.

38. The petition is allowed in the above terms. All pending applications

are also disposed of.

PRATHIBA M. SINGH
JUDGE

APRIL 27, 2020
MR/DJ/T

