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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 2536/2020 & CM APPL. 8860/2020
SATPAL SINGH Petitioner
Through Mr.I.S.Dahiya, Adv.

versus

UNION OF INDIA AND ORS. Respondents
Through Mr.Awadhesh Kumar Singh, Adv. for
R-1/UOI.
Mr.Dhanesh Relan, Standing Counsel
with Ms.Gauri Chaturvedi, Ms.Kajri
Gupta and Ms.Shweta V., Advs. for
R-2/DDA.
Ms.Jyoti Tyagi, Adv. for R-3 & 4.

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER
% **04.03.2020**

1. This writ petition is filed seeking following reliefs:
 - i) Issue a writ of certiorari for calling the revenue record from the office of respondents in respect of land of Khasra No. 23/6/2 total measuring 4 bigha 14 biswa, situated in the revenue estate of village Shahpur Garhi, Delhi;
 - ii) A writ of mandamus or any other appropriate writ, order thereby directing the respondents to restore the possession of the un-acquired land of the petitioner comprising in Khasra no. 23//6/2 (0-10) out of land measuring 4 bigha 14 biswa, situated in the revenue estate of village Shahpur Garhi, Delhi, which has been illegally taken by the respondents alongwith the other acquired land of the petitioner.
 - iii) Other connected reliefs are also sought.”

2. The case of the petitioner is that on 05.04.1995 a notification under section 4 of the Land Acquisition Act, 1894 (*hereinafter referred to as the 'LA Act'*) for acquiring the land measuring 733 bighas 10 biswas situated in Village Shahpur Garhi, Delhi was issued. It is stated that the land of the petitioner being part of Khasra No.23/6/2(4-14) situated in Village Shapur Garhi, Delhi was acquired. The petitioner received compensation on 24.06.1998 of his shares. He moved an application for allotment of an alternative plot in lieu of acquisition of his land on 23.03.1999. The same was rejected on 23.06.2014 stating that 10 biswas of land has not been acquired and hence, he is not entitled to allotment of an alternative plot. The petitioner, thereafter filed a writ petition being W.P.(C) 4329/2014, title '**Satpal Singh v. Land & Building Department**'. The said writ petition was disposed of on 31.08.2016. The Co-ordinate Bench of this court held that as per record out of Khasra No.23/6/2 only 4 bighas and 4 biswas of land have been acquired and 10 biswas of land remains in the possession of the petitioner. Based on that, this court found that the grounds for rejection of the application of the petitioner for allotment of an alternative plot was justified and dismissed the writ petition.

3. Learned counsel appearing for the Land and Building Department reiterates that the petitioner remains in possession of 10 biswas of land. She further submits that the respondents do not have possession of the said land as is being wrongly claimed by the petitioner. She relies upon the rectified award dated 19.12.1997 to support her contention that 10 biswas of land has not been acquired. The compensation also has been made accordingly to the petitioner on 24.06.1998.

4. The learned counsel appearing for the petitioner however submits that

the submissions of the learned counsel for the Land and Building Department are erroneous. He submits that the petitioner does not have possession of the said 10 biswas of the land.

5. Learned counsel for Land and Building Department reiterates that the possession is not with the Department and the land measuring 10 biswas had not been acquired.

6. Let the petitioner move an application for demarcation of his land measuring 10 biswas before the concerned Tehsildar within four weeks from today. On receipt of such an application, the concerned Tehsildar will demarcate the area of the land of the petitioner, namely, 10 biswas of land within three months from the date of receipt of the application. The petitioner is free to thereafter occupy the said land as per law. In case, there is any encroacher on the land, it would be for the petitioner to take steps as per law against the said encroacher.

7. With the above direction the present petition is disposed of. All pending applications, if any, are also disposed of.

JAYANT NATH, J.

MARCH 04, 2020/v