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

+ W.P.(C) 670/2020

BRAHM SINGH AND ORS. Petitioner

Through Mr.Syed Ahmed Saud, Adv.

versus

THE STATE (GOVT. OF NCT OF DELHI) AND ORS... Respondent

Through Mr.Gautam Narayan (ASC), GNCTD
with Ms.Dacchita Shahi and Ms.Shivani Vij,
Advs.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **21.01.2020**

1. Present Writ Petition under Article 226 of the Constitution of India is filed by the petitioners seeking a direction to the respondents to give possession of the agricultural land allotted to them in 1974 under the 20 Point Programme of Prime Minister's Scheme. It is stated that petitioners were 23 persons who belong to the Harijan Community of the village Mandi. It is further stated that the Pradhan, Gram Sabha, Mehrauli, New Delhi certified the area and allotted to 23 petitioners land in exchange for annual rent of Rs.1/- per bigha as Asami for the period of five years. These 23 petitioners are the residents of village Dera and belong to the Harijan Community. Petitioners have paid a sum of Rs.9.50/- as annual rent for the period 11.04.74 to 10.4.76. It is pleaded that several representations have been sent to various functionaries but to no effect.

2. Learned counsel for the petitioner further pleads that persons similarly situated as the petitioners have been handed over possession of the land allotted to them. However, for some reason or the other the said land could

not be handed over to the petitioners for which allotment had been made. It is pleaded that the petitioner cannot be penalised for the fault of theirs.

3. Learned counsel has entered appearance for the respondents on receipt of advance copy. He has pointed out that the alleged allotment took place in 1974 and now petitioners have approached this court after 45 years indicating a gross delay in approaching the court. It is pointed out that as late as on 27.5.2014 the Deputy Commissioner had informed the petitioner that as per existing policy Gaon Sabha land can only be allotted to government department to develop facilities for local community. A similar communication has been sent by the Deputy Commissioner (South) who has stated that there is no evidence on record that the proposal in question for allotment of land to the petitioners was approved by the Director of Panchayat. Further the various khasra Nos. which are said to have been allotted have been handed over to the Forest Department. Gram Pradhan has not given possession of the allotted land inspite of issuing LR-37 and putta parchi. Further the alleged lease was never extended beyond the period of five years.

4. It is recapitulated that the stand of the respondent remains that at present no land is available for allotment. Further, no land can be allotted to private persons like the respondent and thirdly original allotment itself was illegal as no approval by Director, Panchayat was ever done.

5. Keeping in view the submissions of learned counsel for the petitioner, namely, that persons similarly situated as the petitioners have received possession of the land and also keeping in view the background of the petitioner it would be in the interest of justice that the respondents may treat this Writ as a representation. Respondents may deal with the said

representation as per law. I may clarify that this direction is passed without prejudice to the rights and contentions of the respondent that the claim of the petitioner is barred by delay, laches and limitation.

6. With the above directions, the writ petition stands disposed of. All pending applications, if any, also stand disposed of.

JAYANT NATH, J

JANUARY 21, 2020

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