



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

**Judgment reserved on: 16.03.2022**

**Date of decision: 26.04.2022**

+ W.P.(C) No. 13742/2019

SHRI RANJEET SINGH KHATRI

..... Petitioner

Through: Mr. I.S. Dahiya, Advocate.

Versus

UNION OF INDIA

.....Respondent No.1

DELHI DEVELOPMENT AUTHORITY

.....Respondent No.2

GOVT. OF NCT OF DELHI

.....Respondent No.3

LAND ACQUISITION COLLECTOR (NORTH) ....Respondent No.4

Through: Mr. Vikrant N. Goyal, Advocate for  
R-1/UOI.

Mr. Sanjay Poddar, Sr. Advocate, Mr.  
Nitin Mishra & Mr. Govind Kumar,  
Advocates for R-2/DDA.

+ W.P.(C) No. 2536/2020 & CM APPL. 45193/2021

SATPAL SINGH

..... Petitioner

Through: Mr. Aayush Agarwala, Advocate.

Versus

UNION OF INDIA

.....Respondent No.1

DELHI DEVELOPMENT AUTHORITY

.....Respondent No.2

GOVT. OF NCT OF DELHI

.....Respondent No.3

LAND ACQUISITION COLLECTOR (NORTH) ...Respondent No.4

Through: Mr. Vikrant N. Goyal, Advocate for  
R-1/UOI.

Mr. Sanjay Poddar, Sr. Advocate, Mr.  
Nitin Mishra & Mr. Govind Kumar,  
Advocates for R-2/DDA.

Mr. Yeeshu Jain, Adv. for R-3 & 4.



**CORAM:**  
**HON'BLE MS. JUSTICE ANU MALHOTRA**

**JUDGMENT**

**ANU MALHOTRA, J**

1. The petitioner of W.P.(C) No. 13742/2019, Mr.Ranjeet Singh Khatri S/o late Sh.Tek Chand makes the following prayers:-

*“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 and 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) A writ, order thereby directing the respondents to provide the passage to the petitioner to the land of Khasra no. 23//6/2 (0-10) situated in the revenue estate of village Shahpur Garhi, Delhi, from the acquired land of the respondents for his ingress and egress to his aforesaid un-acquired land;*

*iv) A writ, order thereby directing the respondents to pay the damages to the petitioner for illegal use and possession of the above land of Khasra No. 23//6/2 measuring 10 biswa by the respondents @ Rs. 1,00,000/- per year from the date of illegally taking the possession of the above land of the petitioner, i.e. 24.01.1996 until possession of above land is handed over to the petitioner;*



*v) Award costs of the present petition in favour of the petitioner and against the respondents; and*

*vi) Issue any other or further appropriate writ, order or direction as this Hon'ble Court deems fit and proper in the facts and circumstances of the case, in favour of the petitioner and against the respondents."*

2. The petitioner of W.P.(C) No. 2536/2020, Mr.Satpal Singh, S/o late Sh.Buddhu @ Budh Ram has made identical prayers as made by Mr.R.S.Khatri, the petitioner of W.P.(C) No. 13742/2019 and thus, the respondents arrayed to both the petitions are identical as depicted hereinabove in the cause titles.

3. Sh. Tek Chand, F/o Sh.Ranjeet Singh Khatri and Sh.Buddhu @ Budh Ram, F/o Mr.Satpal Singh were brothers and Bhumidars of the land comprising in Khasra No.13//22/1(3-18), 14//25/1(3-00), 23//3(4-16), 4(4-16), 5(4-16), 6/2(4-14), 7(4-16), 8(4-16), 13(4-16), 14(4-11), 15(4-16), 16(2-12), 17(1-12), 18(0-18), 26(0-05), 24//1(4-16), 2(2-18), 9(0-14), 10(4-14), 11(3-12), 20(1-18), 15//1(3-12), 10(4-09), 26(0-06), 16//5/1(3-08), 5/2(0-16) and 6(4-16) total measuring 91 bigha 01 biswas, situated in the revenue estate of Village Shahpur Garhi, Delhi, to the extent of ½ share each and the khatauni of the year 1986-87 relating to Khata Khatauni No.6/4 placed on the record of both the petitions as Annexure-P1 is identical and the translated version thereof is reproduced as under:-



4. On 05.04.1995, the appropriate Government issued a notification under under Section 4 of the Land Acquisition Act, 1894 to compulsorily acquire the land 733 bigha 10 biswas, situated in Village Shahpur Garhi, Delhi and the declaration under Section 6 of the said enactment was issued on 22.12.1995, copy of which is annexed as Annexure-P2 to both the petitions and in relation to the land of the petitioners of both the petitions, the relevant portion of that notification read to the effect:-



| Name of Village | Total area (Bigha - Biswa) | Rectangle No. | Khasra No. | Area (Bigha - Biswa) |
|-----------------|----------------------------|---------------|------------|----------------------|
| Shahpur Garhi   | 733 - 10                   | 23            | 2          | 4-08                 |
|                 |                            |               | 3          | 4-16                 |
|                 |                            |               | 4          | 4-16                 |
|                 |                            |               | 5          | 4-16                 |
|                 |                            |               | 6          | 4-16                 |
|                 |                            |               | 7          | 4-16                 |
|                 |                            |               | 8          | 4-16                 |
|                 |                            |               | 9          | 4-16                 |
|                 |                            |               |            |                      |

5. Pursuant to the said notification, an Award under Section 11 of the Land Acquisition Act, 1894 i.e. Award No. 19 of 1997-98 was made by the LAC (Narela) Delhi, on 19.12.1997 and by this acquisition/Award, the land of the predecessors-in-interest of the two petitioners measuring (90-05) comprising in Khasra No. 13//22/1(3-18), 14//25/1(3-00), 23//3(4-16), 4(4-16), 5(4-16), 6/2(4-04), 7(4-16), 8(4-16), 13(4-16), 14(4-11), 15(4-16), 16(2-12), 17(1-12), 18(0-18), 26(0-05), 24//1(4-16), 2(2-18), 9(0-14), 10(4-14), 11(3-12), 20(1-18), 15//1(3-12), 10(4-09), 16//5/1(3-08), 5/2(0-16) and 6(4-16), situated in the revenue estate of Village Shahpur Garhi, Delhi, was stated to have been acquired and the predecessors-in-interest of the petitioners named Mr. Ranjeet Singh Khatri as well as Mr. Satpal Singh were left with un-acquired land measuring 16 biswas, situated in the revenue estate of Village Shahpur Garhi, Delhi.



6. On 24.01.1996, the Government took possession of the entire acquired land of the petitioners including of the land of Khasra No. 23/6/2(4-14), besides the other acquired land as per Annexure-P4 to the petition which is as under:

“

कांजगा कार्यवाही गांव शाहपुर गरी  
दिनांक 24.1.96

कांजगा जमीन LAC (NAB) का मुताबिक प्रमाण बंधन देने कांजगा आवासीय नोटिफिकेशन नंबर 4.6.17 नोटिफिकेशन संख्या P11(30)94/L+8/LA/10765 दिनांक 22.12.95 के अनुसार मैं वास्तविक श्री लखाराम कांजगा व राजपत सिंह पटवारी LA व बाबा दत्त पटवारी LA व जिलाद कुमार चण्डाली LA मौजे पर गांव शाहपुर गरी-पटवारी मौजे पर मलकमा L+8 की ओर से श्री निलोचन सिंह NAT व महबूबा बेगम की तरफ से श्री मौलानाशम मू. श्री राजसिंह पटवारी, श्री राजेश शर्मा पटवारी हाजिर जिले आवासीय नोटिफिकेशन संख्या के चारों ओर दृष्टा किया कर मुताबिक शिजरा व फील्ड बुक निम्नान्त 2 फास 1 फास कर मलकमा संख्या

|                                                                                            |    |    |    |    |    |    |    |    |    |    |    |    |    |
|--------------------------------------------------------------------------------------------|----|----|----|----|----|----|----|----|----|----|----|----|----|
| 9                                                                                          | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 3/2, 14, 14/2, 15, 16, 17, 17/2, 18, 19, 20, 21, 22                                        |    |    |    |    |    |    |    |    |    |    |    |    |    |
| (2-8) (1-13) (0-15) (4-16) (4-16) (2-4) (2-12) (4-16) (4-16) (4-16) (4-16) (4-16)          |    |    |    |    |    |    |    |    |    |    |    |    |    |
| 9                                                                                          | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 23, 24, 25, 1, 2, 3, 3/2, 4, 5, 6, 7/2, 8                                                  |    |    |    |    |    |    |    |    |    |    |    |    |    |
| (4-16) (4-16) (4-16) (4-15) (4-16) (2-4) (2-12) (4-16) (4-16) (4-16) (4-16) (4-16) (4-16)  |    |    |    |    |    |    |    |    |    |    |    |    |    |
| 9                                                                                          | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 10/2, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22                                       |    |    |    |    |    |    |    |    |    |    |    |    |    |
| (4-16) (4-16) (4-16) (4-16) (4-16) (4-16) (4-16) (4-16) (4-16) (4-16) (4-16) (4-16) (4-16) |    |    |    |    |    |    |    |    |    |    |    |    |    |
| 9                                                                                          | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 20, 21, 22, 23, 24, 25, 26, 27, 1, 2, 3, 4                                                 |    |    |    |    |    |    |    |    |    |    |    |    |    |
| (4-16) (2-8) (2-8) (4-16) (4-16) (4-16) (4-16) (4-16) (3-12) (4-16) (4-16) (4-16) (4-16)   |    |    |    |    |    |    |    |    |    |    |    |    |    |
| 9                                                                                          | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 7/2, 8, 8/3, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18                                         |    |    |    |    |    |    |    |    |    |    |    |    |    |
| (3-4) (1-16) (0-17) (4-16) (4-16) (4-16) (3-4) (4-16) (3-18) (4-16) (3-18) (4-16) (4-16)   |    |    |    |    |    |    |    |    |    |    |    |    |    |
| 9                                                                                          | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 20, 21, 22, 23, 24, 25, 26, 27, 1, 2, 3, 4                                                 |    |    |    |    |    |    |    |    |    |    |    |    |    |
| (4-16) (4-16) (4-16) (4-16) (4-16) (4-16) (4-16) (4-16) (3-12) (4-16) (4-16) (4-16) (4-16) |    |    |    |    |    |    |    |    |    |    |    |    |    |
| 9                                                                                          | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 10/2, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22                                       |    |    |    |    |    |    |    |    |    |    |    |    |    |
| (0-4) (1-5) (0-14) (2-16) (0-4) (0-2) (0-16) (4-16) (4-16) (3-18) (4-16) (3-18) (4-16)     |    |    |    |    |    |    |    |    |    |    |    |    |    |
| 9                                                                                          | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 5/1, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18                                        |    |    |    |    |    |    |    |    |    |    |    |    |    |
| (2-16) (4-16) (4-16) (4-16) (4-16) (4-16) (4-16) (4-16) (4-16) (4-16) (4-16) (4-16) (4-16) |    |    |    |    |    |    |    |    |    |    |    |    |    |
| 9                                                                                          | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 20, 21, 22, 23, 24, 25, 26, 27, 1, 2, 3, 4                                                 |    |    |    |    |    |    |    |    |    |    |    |    |    |
| (4-16) (4-16) (4-16) (4-16) (4-16) (4-16) (4-16) (4-16) (3-12) (4-16) (4-16) (4-16) (4-16) |    |    |    |    |    |    |    |    |    |    |    |    |    |

24.1.96 MT(UH)



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| 15     |        |        |        |        | 16     |        |        |        |        |
|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| 7      | 8      | 9      | 10     | 11     | 5/1    | 5/2    | 6      | 11     | 12     |
| (4-16) | (4-16) | (4-16) | (4-9)  | (4-9)  | (3-8)  | (3-16) | (4-16) | (4-8)  | (4-8)  |
| 16     |        |        |        |        | 17     |        |        |        |        |
| 15     | 16     | 17     | 18     | 19/1   | 19/2   | 20     | 21/1   | 21/2   | 22     |
| (4-16) | (4-16) | (4-16) | (4-16) | (3-2)  | (1-8)  | (4-16) | (4-7)  | (4-16) | (2-12) |
| 17     |        |        |        |        | 23     |        |        |        |        |
| 16     | 17     | 18     | 19     | 20     | 21     | 22     | 23     | 24     | 25     |
| (4-16) | (4-8)  | (4-8)  | (4-16) | (4-16) | (4-16) | (4-16) | (4-16) | (4-16) | (4-16) |

| 23     |        |            |        |        | 24     |        |       |        |        |
|--------|--------|------------|--------|--------|--------|--------|-------|--------|--------|
| 13     | 14     | 15         | 16     | 17     | 18     | 19     | 20    | 21     | 22     |
| (4-16) | (4-11) | (4-16)     | (2-12) | (1-12) | (4-18) | (4-18) | (4-5) | (4-16) | (2-18) |
| 24     |        |            |        |        | 25     |        |       |        |        |
| 11     | 20     | कुल तादादी | 633    | 17     | मौजूद  | पर     | रखाली | दोस्त  | मैं    |

(3-12) (1-18)

जिस का कब्जा वाबंद मरहूम L+8 में भी लिखीय सिद्धनापस  
लक्ष्मीदास में हवाई किया गया। उपरोक्त सभी नम्बरों के खसरा  
में फसल रणी कायदा कुर्द हैं जिस में फसल कायदे की इजाजत  
वास्तविकता को दे दी गई है।

इसके अलावा मौजूद पर खसरा नं० 8

9 कुल तादादी 18-17 पर आधारित, कौटिल्य व

11/12 (2-12) (2-8)

मन्त्रालय की वजह से कब्जा नहीं दिया गया जिस का  
फसला बाद 5 महीने में खसरा वाबंदवाद पुनर्लिख दिया जायगा

खसरा नं० 16

17 18 19 20 21 22 23 24 25 26 27 28 29 30

10/12, 11/12 (2-4) (2-4) (4-16) (4-16) (5-2) (4-18)

कब्जा वाबंद Stairs 900 DELN High Court द्वारा रखने  
के कारण नहीं दिया जा सका। जिस की C.W.P No 179/96  
142/96 व 181/96 हैं।

इस अंगर की मुनारी व गुशावली मौजूद पर हैं  
देहली में वजह से कम्प्लेक्स वाबंदवाद पुनर्लिख भी किया  
सफलता LA साथ करवाई गई

15/12/96  
HT (LA)

PT-03



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बीचका कब्जा कार्यवाही बिना बिस्व की कोई गजानमत  
 हो नहीं आई। परवारी हल्का कार सरकार मौके पर हाजिर  
 हो आई इस लिये इस कब्जा कार्यवाही की एक कार्य  
 मार्फत तहसील कार बिजली वारा अजल वराजद कामजाग  
 भाल बिजला दी जायेगी। कब्जा कार्यवाही सम्पन्न है।

(बाला देवी)  
 परवारी LA

(मोती सिंह)  
 NTC LA

(मोती राम)  
 काबुलगा DDA

(धनपत सिंह)  
 परवारी LA

(विनोद कुमार)  
 परवारी LA

(त्रिलोचन सिंह)  
 NTC LA

(राज सिंह)  
 परवारी DDA

(रमेश शर्मा)  
 परवारी SP-DA

and the typed version thereof reads to the effect:-

**POSSESSION PROCEEDINGS REGARDING  
 VILLAGE SHAHPUR GARHI  
 DATED 24.01.96**

By the order of LAC (Narela), according to the program, according to possession of agricultural land notified U/s 4. 6.17 - notification No. Fll (36) 94/L&B/LA/10765 dated 22.12.95, with companion Sh. Tej Ram Kanoogo and Dhanpat Singh Patwari LA and Bala Dutt Patwari LA and Vinod Kumar Peon LA, reached on the spot at place Shahpur Garhi. On the spot, on behalf of department L&B, Sh. Trilochan Singh N.T. and on behalf of department DDA Sh. Moji Ram Kannogo, Sh. Raj Singh Patwari and Sh. Rakesh Sharma Patwari were found present. After moving on four sides of the agricultural land notified area, according to Shijra and field book, after getting put Kuccha (temporary) signs, Khasra nos.



NEUTRAL CITATION NO: 2022/DHC/001610

|           |                   |           |        |        |        |                |        |        |                   |        |        |                       |
|-----------|-------------------|-----------|--------|--------|--------|----------------|--------|--------|-------------------|--------|--------|-----------------------|
| <u>8</u>  |                   | <u>9</u>  |        |        |        |                |        |        |                   |        |        |                       |
| 21/2      | 22/2              | 5         | 6      |        |        |                |        |        |                   |        |        |                       |
| (2-10)    | (2-04)            | (4-4)     | (4-16) |        |        |                |        |        |                   |        |        |                       |
| <u>9</u>  |                   |           |        |        |        |                |        |        |                   |        |        |                       |
| 13/2,     | 14/1,             | 14/2/2,   | 15,    | 16,    | 17/1,  | 17/2,          | 18,    | 19,    | 20,               | 21,    | 22,    |                       |
| (2-8)     | (1-13)            | (0-15)    | (4-16) | (4-16) | (2-4)  | (2-12)         | (4-16) | (4-16) | (4-16)            | (4-16) | (4-16) |                       |
| <u>9</u>  |                   | <u>10</u> |        |        |        |                |        |        |                   |        |        |                       |
| 23        | 24                | 25        | 1      | 2      | 3/1    | 3/2            | 4      | 5      | 6                 | 7/2    | 8      |                       |
| (4-16)    | (4-16)            | (4-16)    | (4-15) | (4-16) | (2-4)  | (2-12)         | (4-16) | (4-16) | (4-16)            | (4-16) | (4-16) |                       |
| <u>10</u> |                   |           |        |        |        |                |        |        |                   |        |        |                       |
| 9         | 10                | 11        | 12     | 13     | 14     | 15/1           | 15/2   | 16     | 17                | 18     | 19     |                       |
| (4-16)    | (4-16)            | (4-16)    | (4-16) | (4-16) | (4-16) | (1-8)          | (3-8)  | (4-11) | (4-14)            | (4-16) | (4-16) |                       |
| <u>10</u> |                   |           |        |        |        | <u>11</u>      |        |        |                   |        |        |                       |
| 20        | 21/1              | 21/2      | 22     | 23     | 24     | 25             | 26     | 27     | 1/1               | 2      | 3/2    | 4                     |
| (4-16)    | (2-8)             | (2-8)     | (4-16) | (4-16) | (4-10) | (4-16)         | (0-6)  | (0-8)  | (3-12)            | (4-9)  | (4-8)  | (4-...)               |
| <u>11</u> |                   |           |        |        |        |                |        |        |                   |        |        |                       |
| 7/2       | 8/1               | 8/3       | 9      | 10     | 11     | 12/1           | 13     | 14/1+3 | 16/2              | 17/1   | 18     | ...                   |
| (3-4)     | (1-16)            | (0-17)    | (4-9)  | (4-11) | (4-16) | (3-9)          | (4-16) | (3-18) | (4-14)            | (3-0)  | (4-16) | ...                   |
| <u>11</u> |                   |           |        |        |        | <u>12 , 13</u> |        |        |                   |        |        |                       |
| 20        | 21                | 22        | 23     | 24/1   | 24/2   | 25/1           | 26     | 21     | 1/2               | 2      | 9      | 10/1                  |
| (4-16)    | (4-16)            | (4-9)     | (4-16) | (0-6)  | (4-4)  | (3-3)          | (0-5)  | (4-16) | (3-18)            | (3-6)  | (2-12) | (1-1)                 |
| <u>13</u> |                   |           |        |        |        |                |        |        |                   |        |        |                       |
| 10/2      | 10/3              | 11/1      | 11/2/1 | 12/1/1 | 12/2   | 19/1           | 20     | 21     | 22 <sub>low</sub> | 1      | 2      | 9/2                   |
| (0-9)     | (1-5)             | (0-14)    | (2-16) | (0-4)  | (0-2)  | (0-16)         | (4-16) | (4-16) | (3-18)            | (4-4)  | (3-18) | (4-4)                 |
| <u>14</u> |                   |           |        |        |        |                |        |        |                   |        |        |                       |
| 5/1       | 6                 | 7         | 8      | 9      | 10     | 11             | 13     | 14     | 15                | 16     | 17     | 18                    |
| (2-16)    | (4-16)            | (4-16)    | (4-16) | (4-16) | (4-16) | (4-11)         | (4-16) | (4-16) | (4-16)            | (4-16) | (4-16) | (4-16) <sub>low</sub> |
| <u>14</u> |                   |           |        |        |        | <u>15</u>      |        |        |                   |        |        |                       |
| 20        | 21                | 22        | 23     | 24     | 25/1   | 26             | 25/2   | 1      | 2                 | 3      | 4      | 5                     |
| (4-10)    | (4-16)            | (4-16)    | (4-16) | (4-16) | (3-0)  | (0-6)          | (1-16) | (3-12) | (4-4)             | (4-4)  | (4-4)  | (4 <sub>low</sub> )   |
| <u>15</u> |                   |           |        |        |        |                |        |        |                   |        |        |                       |
| 7         | 8                 | 9         | 10     | 11     | 5/1    | 5/2            | 6      | 11     | 12                | 13     | 14/1   | 14/2                  |
| (4-16)    | (4-16)            | (4-16)    | (4-16) | (4-16) | (3-8)  | (0-16)         | (4-16) | (4-8)  | (4-09)            | (4-16) | (1-16) | (3-0)                 |
| <u>16</u> |                   |           |        |        |        |                |        |        |                   |        |        |                       |
| 15        | 16                | 17        | 18     | 19/1   | 19/2   | 20             | 2min   | 9      | 10min             | 11min  | 12     | 16                    |
| (4-16)    | (4-16)            | (4-16)    | (4-16) | (3-0)  | (1-8)  | (4-16)         | (0-7)  | (4-16) | (2-12)            | (2-0)  | (4-4)  | (4-16)                |
| <u>18</u> |                   |           |        |        |        |                |        |        |                   |        |        |                       |
| 16        | 16 <sub>low</sub> | 2         | 3      | 4      | 5      | 6              | 7      | 8      | 9                 | 12     |        |                       |
| (4-8)     | (4-8)             | (4-8)     | (4-16) | (4-16) | (4-16) | (4-16)         | (4-16) | (4-16) | (4-16)            | (4-16) |        |                       |
| <u>23</u> |                   |           |        |        |        |                |        |        |                   |        |        |                       |
| 13        | 14                | 15        | 16     | 17     | 18     | 19             | 26     | 1      | 2                 | 9      | 10     |                       |
| (4-16)    | (4-11)            | (4-16)    | (2-12) | (1-12) | (0-18) | (0-18)         | (0-5)  | (4-16) | (2-18)            | (0-14) | (1-14) |                       |
| <u>24</u> |                   |           |        |        |        |                |        |        |                   |        |        |                       |
| 11        | 20                |           |        |        |        |                |        |        |                   |        |        |                       |
| (3-12)    | (1-18)            |           |        |        |        |                |        |        |                   |        |        |                       |



total land area 636 Bigha 17 Biswa was found vacant on the spot, whose actual possession was handed over to Sh. Trilochan Singh, Naib Tehsildar of Department of L&B. Rabi crop has been cultivated in all Khasra land numbers and permission has been given to the concerned people for cutting its crop.

Except it, due to having constructed four boundary wall, small rooms and houses on the spot Khasra nos.

|        |        |    |              |
|--------|--------|----|--------------|
| 8      |        |    | 9            |
| 13     | 14     | 15 | 11min 12/2   |
| (4-16) | (4-16) | 0  | (2-12) (2-8) |

total land area 18 Bigha 17 Biswa, its possession could not be given and through demolition program and with help of the police, its possession will be given.

Due to having maintained status quo of Delhi High Court, whose CWP numbers are 179/96, 142/96 and 18/96, possession of Khasra nos.

|       |       |       |       |       |        |        |        |        |  |
|-------|-------|-------|-------|-------|--------|--------|--------|--------|--|
| 16    |       |       |       |       |        |        |        |        |  |
| 1     | 2     | 3/1   | 3/2   | 4     | 7      | 8      | 9      | 10     |  |
| (4-4) | (4-4) | (2-2) | (2-2) | (4-4) | (4-16) | (4-16) | (4-16) | (4-08) |  |

|                           |  |  |  |
|---------------------------|--|--|--|
| 17                        |  |  |  |
| 10min 11 min 17 18        |  |  |  |
| (2-4) (2-4) (4-16) (4-16) |  |  |  |

|              |  |
|--------------|--|
| 18           |  |
| 5 15         |  |
| (5-2) (4-18) |  |

total land area 59 Bigha 12 Biswa could not be given.

The publication and drum beating of this incident was got done on the spot and in the village through Sh. Vinod, Peon (L.A.). No kind of any hurdle has arisen on the spot. On the spot Halqa Patwari due to government work could not remain present on the spot. Therefore, a copy of the possession proceedings will be got sent through Tehsildar, Delhi for the purpose of compliance in the revenue record. Possession proceedings stands completed.

Sd/- in English Bala Dutt Patwari, LA  
24.01.96

Sd/- in English Tejram Kanoongo, LA  
24.01.96

Sd/- in Hindi Bhule Singh NT (LA)  
24.01.96

Sd/- in English Moji Ram Bala,



Kanoongo, DDA  
 24.01.96  
 Sd/- in English Dhanpat Singh  
 Patwari, LA  
 24.01.96  
 Sd/- in Hindi Vinod Kumar Peon, LA  
 24.01.96  
 Sd/- in English Trilochan Singh, NT  
 (L&B)  
 24.01.96  
 Sd/- in English Raj Singh Patwari,  
 DDA  
 24.01.96  
 Sd/- in English Rakesh Sharma  
 Patwari, DDA  
 24.01.96.

7. The father of the petitioner of Mr.Ranjeet Singh Khatri i.e. late Sh.Tek Chand S/o Ram Kala shareholder in the acquired land was paid compensation to the tune of Rs.1206187/- after TDS of Rs.170022/- having been deducted on 24.06.1998 in relation to half share of Khasra Nos. 13//22/1 (3-18), 14//25/1 (3-00), 23//3 (4-16), 4 (4-16), 5 (4-16), 6/2 (4-04), 7 (4-16), 8 (4-16), 13 (4-16), 14 (4-11), 15 (4-16), 16 (2-12), 17 (1-12), 18 (0-18), 26 (0-05), 24//1 (4-16), 2 (2-18), 9 (0-14), 10 (4-14), 11 (3-12), 20 (1-18), 15//1 (3-12), 10 (4-09), 16//5/1 (3-08), 5/2 (0-16), 6 (4-16)

8. The petitioner of W.P.(C) No. 2536/2020, Mr.Satpal Singh was paid an amount of Rs.30,15,452 after TDS of Rs.42,505/- in relation to his 1/8<sup>th</sup> share on 24.06.1998 as per Annexure P5.

**OFFICE OF THE SUB DIVISIONAL MAGISTRATE (NARELA)**  
**B.D.O. OFFICE COMPLEX, ALIPUR, DELHI.**

F. No. 420

Dated: 25.02.1999



NEUTRAL CITATION NO: 2022/DHC/001610

### CERTIFICATE

This is to certify that the land mentioned below of the Village SHAHPUR GARHI has been acquired vide Award No. 19/1997-98 announced on 19.12.1997 vide notification No.F.11(36)/94/L85B/LA dated 05.04.1995 for the purposes of Development of Freight Complex in Narela Project under P.D.D. The possession of the land has been transferred to the Government Department on 24.01.1996.

Shri Satpal S/o Shri Budhu was share holder in the acquired land and the compensation of the land was paid to him.

| Khasra No. | Area   | Khasra No. | Area   | Share | Amount           |
|------------|--------|------------|--------|-------|------------------|
| 13//22/1   | (3-18) | 24//1      | (4-16) | 1/8   |                  |
| 14//25/1   | (3-00) | 2          | (2-18) |       |                  |
| 23//3      | (4-16) | 9          | (0-14) |       | paid Rs.3015452/ |
| 4          | (4-16) | 10         | (4-14) |       | after TDS Rs.    |
| 5          | (4-16) | 11         | (3-12) |       | 42505/-on        |
| 6/2        | (4-04) | 20         | (1-18) |       | 24.6.98          |
| 7          | (4-16) | 15//1      | (3-12) |       |                  |
| 8          | (4-16) | 10         | (4-09) |       |                  |
| 13         | (4-16) | 16//5/1    | (3-08) |       |                  |
| 14         | (4-11) | 5/2        | (0-16) |       |                  |
| 15         | (4-16) | 6          | (4-16) |       |                  |
| 16         | (2-12) |            |        |       |                  |
| 17         | (1-12) |            |        |       |                  |
| 18         | (0-18) |            |        |       |                  |
| 26         | (0-05) |            |        |       |                  |

**Kita-26 90-05**

Sd. & Seal 25/2

(CHANDRAKER BHARTI)  
SUB DIVISIONAL MAGISTRATE (NARELA) /  
LAND ACQUISITION COLLECTOR (NARELA) : DELHI

i.e. as per the certificate dated 25.02.1999 issued by the SDM (Narela) /  
LAC (Narela) Delhi.



9. In as much as, the contentions raised by both the petitioners of both the petitions i.e. W.P.(C) No. 13742/2019 and W.P.(C) No. 2536/2020 are identical, it has been considered appropriate to take up the petitions altogether.

10. Both the petitioners submit to the effect that whereas compensation was paid to them to the extent of land comprising in Khasra No. 23/6/2(4-04) (i.e. the extent to which it was acquired) besides their other acquired land and that the land of Khasra No.23/6/2 was acquired to the extent of 4 bigha 4 biswas, possession was taken of the entire land of Khasra No. 23/6/2 (i.e. 4 bigha 14 biswas). Sh.Tek Chand, (i.e. the father of Mr.Ranjeet Singh Khatri) and Mr.Satpal Singh filed their respective applications seeking recommendation of alternative plot in the office of the Land and Building Department on 23.03.1999 and the other co-sharers of the two petitioners i.e. Shri Harpal Singh S/o Shri Budhu & Shri Jaipal Singh S/o Shri Budhu also submitted their respective applications for seeking recommendation of alternative plot in lieu of their acquired land, whereas, Shri Harpal Singh S/o Shri Budhu & Shri Jaipal Singh S/o Shri Budhu, the other co-sharers were found entitled for having made recommendations for alternative plots vide File Nos. F.33(73)22/99/L&B/Alt. and F.33(73)22/99/L&B/Alt. and thus, the recommendation for making allotment of an alternative plot was made by the Land & Building Department to the DDA in their favour in the year 2014 but the petitioner Mr.Ranjeet Singh Khatri received a rejection letter dated 23.06.2014 from the office of the Land & Building Department, Alternative Branch of Govt. of NCT of Delhi



apprising him that in as much as, as per the available record, the land measuring 10 Bighas had not been acquired and thus, the land of the said applicant had not been acquired in entirety,- in view of the judgment dated 14.09.2011 of the Hon'ble Supreme Court in the case titled as "**Delhi Administration vs Jai Singh Kanwar**" (CA No. 8289 of 2010), the petitioner was not entitled for allotment of alternative plot in lieu of the acquired land. To similar effect, a letter dated 23.06.2014 was received by the petitioner of W.P.(C) No. 2536/2020, Mr.Satpal Singh.

**11.** Both the petitioners i.e. Mr.Ranjeet Singh Khatri and Mr.Satpal Singh filed W.P. (Civil) No. 9316 of 2014 and W.P. (Civil) No. 4329 of 2014 respectively, challenging the said rejection letter dated 23.06.2014 submitting to the effect that their entire land had been acquired and there was no land left with them.

**12.** The Land & Building Department of the Govt. of NCT of Delhi apprised this Court in W.P. (Civil) No. 9316 of 2014 and W.P. (Civil) No. 4329 of 2014 adverted to hereinabove that in Khasra No.23/6/2 out of a total land of 4 Bighas 14 Biswas, only 4 Bighas 4 Biswas have been acquired and thus, qua Award No.19/1997-98 dated 09.12.1997 qua Village Shahpur Garhi, Delhi, 10 Bighas of land still remained with the petitioners and had not been acquired. Thus, W.P. (Civil) No. 4329 of 2014 was dismissed in view of the verdict of the Apex Court in "**Delhi Administration vs Jai Singh Kanwar**" in CA No. 8289 of 2010. As regards, Mr.Ranjeet Singh Khatri, the counsel for the petitioner thereof had submitted that in view of the stand adopted by the respondent- Land & Building Department, recourse would be



taken to law by moving an appropriate application to get it verified from the Department in relation to the remaining 10 Biswas of land which had allegedly remained unacquired.

13. The applications for demarcation were filed by both the petitioners in the year 2018 which are however stated to be still pending.

14. In response to an RTI application dated 21.09.2019 to PIO, Engg. Wing, DDA, Pitam Pura, Delhi filed by Mr.Ranjeet Singh Khatri, the petitioner of W.P.(C) No. 13742/2019 for seeking information about the possession of DDA or the status of development over the land of Khasra No.23//6/2, situated in the revenue estate of Village Shahpur Garhi, Delhi, the reply dated 09.12.2019 of the SDM/PIO (HQ), District North received was vide a (7) seven point report in terms of requisite information received from the LAC, North under Section 5(4) of the RTI Act, 2005, which read to the effect:-

“

| S.No. | CONTENTS OF RTI APPLICATION                                                                                                                                                    | CONTENTS OF REPLY                                                                                                        |
|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|
| 1.    | Whether, the entire land comprising in Khasra No. 23/6/2 (4-14) situated in revenue estate of village Shahpur Garhi, Delhi, has been acquired vide Award No.19/1997-98 or not? | Khasra No.23/6/2 (4-04) acquired vide Award No. 19/97-98 and 23/6/1(0-02) acquired vide Award No. 1214 dated 08.12.1961. |
| 2.    | Whether any land or part thereof of Khasra No.23/6/2 (4-14) is left from the acquisition or not?                                                                               | As above                                                                                                                 |
| 3.    | Please let me know the measurement (area) of the Khasra No.23/6/2 acquired vide Award No. 19/1997-98 by your office?                                                           | Khasra No.23/6/2 (4-04)                                                                                                  |



|    |                                                                                                                                                                                                                                                                             |                                                                                             |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| 4. | Whether any land of Khasra No.23/6/2 is left from the acquisition or not?                                                                                                                                                                                                   | As above                                                                                    |
| 5. | If, yes to what extent & why?                                                                                                                                                                                                                                               | As above                                                                                    |
| 6. | Whether the left land left from acquisition, its possession is with land owner or DDA?                                                                                                                                                                                      | On 24.01.1996, the possession of Khasra No.23/6 (4-16) was given to the L. & B. Department. |
| 7. | Whether entire land situated in the revenue estate of village Shahpur Garhi, comprising in Khasra No.23/6/2 measuring 4 bigha 14 biswas was needed by the DDA for its project namely "Planned Development of Narela" or some portion of land/Khasra Nos. were not required? | Related to the DDA                                                                          |

”

**15.** It is submitted by both the petitioners that the entire land has been occupied by the DDA for planned development of commercial complex in Narela, under PDD and no land is vacant there and that the petitioners have not been left with any 10 Biswas of land out of Khasra No.23//6/2 nor have their names been recommended for allotment of alternative plot, despite the fact that they are not in possession of the alleged un-acquired land.

**16.** The petitioners have also submitted that they have been discriminated by the office of the Land & Building Department, ITO Delhi by way of not recommending their names for allotment of alternative plot despite the names of the co-sharers i.e. Shri Harpal Singh S/o Shri Budhu & Shri Jaipal Singh S/o Shri. Budhu, having



been held entitled to make recommendation of alternative plots. The petitioners have thus submitted that these actions of the acquiring authorities are wholly high handed and against the law depriving the petitioners of their land without a notification under Section 6 of the Land Acquisition Act, 1894 and without the requisite payment of its compensation and thus, their constitutional rights under Article 300A as well as Article 14 & 21 of the Constitution of India have been violated and that the petitioners are thus, entitled to recover the possession of the said land from the acquiring authorities with damages or mesne profits and that the petitioners seek comprehensive action against the respondents qua their illegal acts.

17. Vide order dated 04.03.2020 in W.P.(C) No. 2536/2020, the petitioner thereof Mr. Satpal Singh was permitted to move an application for demarcation of his land measuring 10 Biswas before the concerned Tehsildar in view of the submission that was made on behalf of the Land & Building Department that the possession was not with the department and that the land measuring 10 biswas had not been acquired and it was vide order dated 04.03.2020 directed to the effect that on receipt of such an application being filed by the petitioner, the concerned Tehsildar would 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 and the petitioner was free to thereafter occupy the said land as per law and 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. The petition bearing W.P.(C) No. 2536/2020 was disposed of vide order dated 04.03.2020 and the



W.P.(C) No. 2536/2020 was however taken up again in view of CM APPL. 45193/2021 filed by the petitioner thereof submitting to the effect that the demarcation exercise conducted on 02.03.2021 attended by the concerned Tehsildar on behalf of the DDA and the Patwari on behalf of the LAC Department was concluded to the effect that the DDA had indeed acquired the entire subject land, which was under the occupation of the DDA and the copy of the demarcation proceedings dated 02.03.2021 was submitted along with the said application wherein, it was recorded to the effect that the staff of the DDA apprised that the entire land area of Khasra No.23//6 comes under the scheme of the DDA department and the entire khasra is occupied by the DDA department. The copy of the said demarcation proceedings dated 02.03.2021 reads to the effect:-

***“Demarcation Proceedings  
Khasra No.23/6  
Village- Shahpur Garhi***

***As per order of Hon'ble High Court passed in WPC No.2536/2020 titled Satpal Singh Vs. U.O.I. & Ors. and WPC No.2543/2020 titled Surjeet Sigh Vs. U.O.I. & Ors on 04.03.2020, today dated 02.03.2021 in accordance with Tehsildar Narela order No.6027 /The/NL/20 reached at the site Village-Shahpur Garhi. On the spot, Mr. Rajbir Singh, Nayab Tehsildar/LM/NZ was found present on behalf of DDA and Sh. Santosh Dutt, Patwari along with Award/Record on behalf of LAC Department were found present. Petitioners Sh. Satpal Singh and Ombir sons of Surjit Singh and TSM Surveyor and Sh. Manoj on behalf of Bisra Management & Engineering with companion staff and TSM Machine are also present.***



*As per copy of Award No.1519 and 19/1997-98 given by Sh. Santosh Dutt, Patwari, LAC Branch, pertaining to Khasra No.23/6/1 (1 Biswa 12 Biswansi) is acquired and Khasra No.23/6/2 (4-4) is acquired through Award No.19/1997-98, but the possession proceedings of the land Khasra No.23//6 (4-16) according to Award No.19/1997-98 was handed over to Land & Building department in presence of the staff of DDA on 24.01.1996. In presence of all peoples present there marks were made by the TSM Surveyor on Khasra No.23//6 ( 4-16) in all four comers. On the spot, the staff of DDA told that the entire land area of Khasra No.23//6 comes under the scheme of the DDA department and the entire khasra is occupied by the DDA department. Due to non-availability of the supplementary Award of Khasra No.23//6/2 (0-10), it could not find out that the area (0-10) of Khasra No.23//6/2 falls in which direction. Copy of Award No.1519 and 19/1997-98 is annexed herewith and the copy of possession proceedings is also annexed herewith. The action of demarcation proceeding is completed. The TSM Surveyor was asked to submit the complete report and drawing of TSM Demarcation proceedings in the office.”*

18. The proceedings dated 16.02.2022 in both W.P.(C) No. 13742/2019 and W.P.(C) No. 2536/2020 qua CM APPL. 45193/2021 indicate that the learned counsel representing the authority i.e. the DDA, on instructions apprised the Court that although the entire area of the plot in question admeasuring 4 bighas and 16 biswas formed subject matter of the notification issued under Section 6 of the Land Acquisition Act, 1894, due to inadvertence the award referred to a lesser area of the plot and had awarded compensation accordingly.



19. Vide order dated 16.02.2022, the DDA was directed to file an affidavit placing the relevant material on the record of the petition.

20. The affidavit dated 09.03.2022 of Mr. Budh Ram, Deputy Director (LM-North Zone) with the Respondent DDA has been placed on the record of both the petitions i.e. W.P.(C) No. 13742/2019 and W.P.(C) No. 2536/2020 which are identical as submitted through paragraph 4 of the said affidavit itself, in as much as, it has been submitted through the affidavit itself that both the matters referred to the same parcel of land situated at Khasra No. 23//6 (4-16) of Village Shahpur Garhi, Delhi. It has been stated through this affidavit that after examining the record of the acquisition proceedings collected from the office of the LAC, North and the status of land it had emerged from the available record that the Khasra No. 23//6 measuring (4 Bigha -16 Biswas) of village Shahpur Garhi was notified for acquisition vide notification under Sections 4, 6 & 17(i) of the Land Acquisition Act, 1894 for development of the Freight Complex in the Narela Project for the public purpose, -being planned development of Delhi and physical possession of the land measuring 4 Bigha, 16 Biswas was also handed over to the DDA by the LAC/L&B Department on 24 January, 1996 but the perusal of the Award No. 19/97-98 indicated that the area of 04 Bigha - 04 Biswas was acquired by this Award by the LAC, NW and that the claim for an area of 4 Bigha - 14 Biswas was made in the Award and as per the record obtained from DD (NL-II) an amount of Rs. 12,22,57,820/- vide cheque no. 032137 dated 03.06.1998 had been released by the DDA to



the L&B Department for village Shahpur Garhi against Award No. 19/97-98.

21. The relevant details submitted vide the said affidavit dated 09.03.2022 are to the effect:-

“

| Date       | Nature of proceedings in respect of land situated at Khasra No. 23//6 of village Shahpur Garhi                                                                                                                                                 | Area of Land as specified |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
| 05.04.1995 | Notification under 4 Bigha -16 Biswas Section 4 of the Land Acquisition Act, 1894 bearing no. F.11 (36)/94/L&B/LA/5722. Copy of the Section 4 notification dated 05.04.1995 alongwith typed copy is annexed herewith and marked as Annexure-A. | 4 Bigha -16 Biswas        |
| 22.12.1995 | Notification under Section 6 of the Land Acquisition Act, 1894 bearing no. F.11(36)/94/L&B/LA/ 10765. Copy of the Section 6 Notification dated 22.12.1995 alongwith typed copy is annexed herewith and marked as Annexure-B.                   | 4 Bigha -16 Biswas        |
| 22.12.1995 | Notification under Section 17(i) of the Land Acquisition Act, 1894. Copy of the Section 17(i) notification dated 22.12.1995 alongwith typed copy is annexed herewith and marked as Annexure-C.                                                 |                           |
| 24.01.1996 | Possession was handed over by LAC/ L&B Department. Copy of the possession proceedings dated 24.01.1996 alongwith typed copy is annexed herewith and marked                                                                                     | 4 Bigha -16 Biswas        |



|            |                                                                                                                                                                                                                                                                                                                                                                                 |                    |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
|            | as Annexure-D.                                                                                                                                                                                                                                                                                                                                                                  |                    |
| 24.01.1996 | <p>Award No. 19/97-98 issued in respect of the Khasra bearing no. 23//6/2.</p> <p>The claim in respect of Khasra No. 23//6/2 (4-14) was made by Shri Tek Chand - father of Shri Ranjeet Singh Khatri and Shri Satpal Singh at Serial No. 19 and 32 respectively of the Award. Copy of the Award No. 19/97-98 dated 24.01.1996 is annexed herewith and marked as Annexure-E.</p> | 4 Bigha -04 Biswas |
| 03.06.1998 | An amount of Rs.12,22,57,820/- vide cheque no. 032137 dated 03.06.1998 has been released by DDA to L&B Department for village Shahpur Garhi against Award No. 19/97-98                                                                                                                                                                                                          |                    |

”

**22.** It has been submitted further through this affidavit that the land measuring 1 Biswa, 12 Biswansi out of the land in the said Khasra number was also acquired vide an Award No. 1519 for 220 KV Transmission Line Tower in the year 1963. The said affidavit of the Deputy Director (LM-North Zone), DDA, Pitampura, Delhi further states to the effect that pursuant to the notifications issued under Sections 4, 6 and 17 (i) of the Land Acquisition Act, 1894, the physical possession of total land (4 Bigha-16 Biswas) in Khasra No. 23//6 was handed over to DDA by LAC through L&B Department and that it was for the LAC to announce the Award for the total land falling in the above Khasra number when the actual physical possession was



handed over to DDA and the land under reference had already been utilized in the scheme for Planned Development of Delhi and that the Planning & Engg. Dept. of DDA also confirmed that the land in question is a part and parcel of the IFC scheme, Narela Project and is urgently required. It was also submitted vide this affidavit that the Respondent had written letters on 10.02.2022 and 02.03.2022 to the LAC seeking clarification on the said aspects.

**23.** Submissions were made on behalf of either side by their learned counsel.

**24.** The DDA vide its written submissions dated 21.03.2022 sought the dismissal of the petitions submitting to the effect that though the petitioners were dispossessed on 24.01.1996 and though the Land Acquisition Collector announced the Award No.19/1997-98 dated 19.12.1997 in respect of land measuring 712 Bigha, 13 Biswas of village Shahpur Garhi mentioning also that 2 Biswas from Khasra No. 23//6 already stood acquired and the Land Acquisition Collector was required to make an Award in respect of 4 Bigha 14 Biswas in Khasra No. 23//6 for which claim was also made by the landowners, due to an inadvertent bonafide mistake, land measuring 4 Bigha, 04 Biswas situated in Khasra No. 23//6 of village Shahpur Garhi was mentioned in the Award leaving 10 Biswas outside the said Award for Khasra No. 23/6 of village Shahpur Garhi and that the petitioners did not question this immediately despite W.P. (Civil) No. 9316 of 2014 and W.P. (Civil) No. 4329 of 2014 filed by them upon rejection of their claims for alternative plots in terms of the policy formulated by the respondent no.1/UEI (Large Scale Acquisition, Development and



Disposal of Land in Delhi dated 02.05.1961 and the policy decision taken thereunder by the Lieutenant Governor) with the object of providing residential plots to farmers whose lands were acquired for the Planned Development of Delhi.

25. *Inter alia*, reliance is placed on behalf of the respondents on the verdict of this Court in “**Ramanand versus Union Of India And Ors**” **AIR 1994 Del 29** with specific reference to observations in paragraph 28 of the said verdict which reads to the effect:-

***“28. As a result of the above discussions, 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.”***

26. The respondents have thus submitted that the petitions are liable to be dismissed for delay and laches in view of the verdict of this Court in “**Shamo Devi versus Union of India**” –W.P. (C) 1839/2008 decided on 07.03.2008.

27. *Inter alia*, the respondents have submitted to the effect that the contention of the petitioner that the acquisition proceeding had lapsed in view of Section 11A of the Land Acquisition Act, 1894 and the petitions were also liable to be dismissed in view of the verdict of the Hon’ble Supreme Court in “**Satendra Prasad Jain And Others versus State Of U.P. And Others**” - **AIR 1993 SC 2517** with observations therein to the effect:-



*“When Section 17(1) is applied by reason of urgency, Government takes possession of the land prior to the making of the award under Section 11 and thereupon the owner is divested of the title to the land which is vested in the Government. Section 17(1) states so in unmistakable terms. Clearly, Section 11-A can have no application to cases of acquisition under Section 17 because the lands have already vested in the Government and there is no provision in the said Act by which land statutorily vested in the Government can revert to the owner.”,*

submitting to the effect that in terms of Section 17(1) of the Land Acquisition Act, 1894, which provides as under:-

***“17 Special powers in cases of urgency.***

***(1) In cases of urgency, whenever the [appropriate Government] so directs, the Collector, though no such award has been made, may, on the expiration of fifteen days from the publication of the notice mentioned in section 9, sub-section (1), [take possession of any land needed for a public purpose]. Such land shall thereupon [vest absolutely in the [Government]], free from all encumbrances.***

*.....  
.....”*

the land stands vested absolutely in the Government and there is no provision in the Land Acquisition Act, 1894 vide which the land statutorily vested in the Government can revert to the owner.

**28.** The respondent-DDA has thus, submitted that since the possession of the land has already been taken in exercise of the powers vested in the Competent Authority before the Award can be made and published in respect of the said land under the Land Acquisition Act, 1894, the statutory period of two years mentioned in Section 11A of



the Land Acquisition Act, 1894 is not applicable and the proceedings of the acquisition of the land in question cannot be held to have lapsed and that the Land Acquisition Collector is entitled to make the award for the said remaining area of 10 Biswas of land in terms of the Land Acquisition Act, 1894 in furtherance of notification dated 05.04.1995 issued under Section 4 of the Land Acquisition Act, 1894. *Inter alia*, the respondent-DDA, the beneficiary of the acquisition submits that due to an inadvertent mistake of the Land Acquisition Collector, the beneficiary cannot be penalized placing reliance on the verdict of the Hon'ble Supreme Court in "***Shanti Devi versus Land Acquisition Collector (North) & others***" (W.P. (C) 3163/2013) - decided on 11.10.2019.

### **ANALYSIS**

**29.** At the outset, it is essential to observe that Award No.19/1997-98 dated 19.12.1997 issued by the Land Acquisition Collector, Narela in relation to Village Shah Pur Garhi, Delhi shows that the nature of the acquisition was permanent with the purpose of acquisition being the development complex in the Narela Project under PDD and that the land having been notified for in terms of Section 4 of the Land Acquisition Act, 1894 vide Notification No. F.11 (36)/94/L&B/LA/5722 dated 05.04.1995 was required and that in view of the urgency of the scheme, the provisions of Section 17(1) of the Land Acquisition Act, 1894 were made applicable to this land vide Notification No. F.11 (36)/94/L&B/LA/10765 dated 22.12.1995, whereafter, the Delhi Government issued a declaration under Section 6 of the Land Acquisition Act, 1894 vide Notification No. F.11



(36)/94/L&B/LA/10765 dated 22.12.1995. That the acquisition was made in terms of Section 17(1) of the Land Acquisition Act, 1894 being explicit through the Award dated 19.12.1997 itself, makes it apparent that in terms of the verdict of this Court in ***“Satendra Prasad Jain And Others versus State Of U.P. And Others” - AIR 1993 SC 2517*** wherein, a reference is made to the verdict of the Hon’ble Supreme Court in ***“Lt. Governor of H.P. Vs. Avinash Sharma” (1970) 2 SCC 149*** and it has been expressly observed therein to the effect:-

*“....after possession has been taken pursuant to a notification under Section 17(1) the land is vested in the Government, and the notification cannot be cancelled under Section 21 of the General Clauses Act, nor can the notification be withdrawn in exercise of the powers under Section 48 of the Land Acquisition Act. Any other view would enable the State Government to circumvent the specific provision by relying upon a general power. When possession of the land is taken under Section 17(1), the land vests in the Government. There is no provision by which land statutorily vested in the Government reverts to the original owner by mere cancellation of the notification.”,*

with observations in paragraph 15 of the verdict in ***Satendra Prasad Jain*** (supra) to the effect:-

***“15. Ordinarily, the Government can take possession of the land proposed to be acquired only after an award of compensation in respect thereof has been made under Section 11. Upon the taking of possession the land vests in the Government, that is to say, the owner of the land loses to the Government the title to it. This is what Section 16 states. The provisions of Section 11-A are***



*intended to benefit the landowner and ensure that the award is made within a period of two years from the date of the Section 6 declaration. In the ordinary case, therefore, when Government fails to make an award within two years of the declaration under Section 6, the land has still not vested in the Government and its title remains with the owner, the acquisition proceedings are still pending and, by virtue of the provisions of Section 11-A, lapse. When Section 17(1) is applied by reason of urgency, Government takes possession of the land prior to the making of the award under Section 11 and thereupon the owner is divested of the title to the land which is vested in the Government. Section 17(1) states so in unmistakable terms. Clearly, Section 11-A can have no application to cases of acquisitions under Section 17 because the lands have already vested in the Government and there is no provision in the said Act by which land statutorily vested in the Government can revert to the owner.”,*

and further, vide paragraphs 16 & 17 of the said verdict thereof, which read to the effect:-

*“16. Further, Section 17(3-A) postulates that the owner will be offered an amount equivalent to 80 per cent of the estimated compensation for the land before the Government takes possession of it under Section 17(1). Section 11-A cannot be so construed as to leave the Government holding title to the land without the obligation to determine compensation, make an award and pay to the owner the difference between the amount of the award and the amount of 80 per cent of the estimated compensation.*

*17. In the instant case, even that 80 per cent of the estimated compensation was not paid to the appellants although Section 17(3-A) required that it should have been paid before possession of the said land was taken but that does not mean that the possession was taken*



***illegally or that the said land did not thereupon vest in the first respondent. It is, at any rate, not open to the third respondent, who, as the letter of the Special Land Acquisition Officer dated June 27, 1990 shows, failed to make the necessary monies available and who has been in occupation of the said land ever since its possession was taken, to urge that the possession was taken illegally and that, therefore, the said land has not vested in the first respondent and the first respondent is under no obligation to make an award.”***

it becomes apparent that in terms of Section 17(1) of the Land Acquisition Act, 1894, the land of which possession had been taken by the Government prior to the making of the award under Section 11A of the said enactment, the owner is divested of the title to the land which is vested in the Government and there is no provision in the Land Acquisition Act, 1894 by which the land statutorily vested in the Government can revert to the owner.

### **CONCLUSION**

**30.** In these circumstances, the prayer made by the petitioners seeking restoration of the possession of the land of the petitioners comprising in Khasra No.23//6/2 (0-10) out of land measuring 4 Bighas 14 Biswas situated in the Revenue Estate of Village Shah Pur Garhi, Delhi, cannot be directed, in as much as, it cannot be held that the taking over of possession of the said land which vests in the Government in terms of Section 17(1) of the Land Acquisition Act, 1894 can in any manner be termed to be illegal in view of the verdict of the Hon'ble Supreme Court in ***Satendra Prasad Jain*** (supra) and thus, the said prayer Clause (ii) in the two petitions is declined and consequentially likewise the prayer made vide prayer Clause (iii) to



the petitions seeking that the respondents be directed to provide a passage to the petitioners to the land of Khasra No.23//6/2 (0-10) out of land measuring 4 Bighas 14 Biswas situated in the Revenue Estate of Village Shah Pur Garhi, Delhi from the acquired land of the respondents for their ingress and egress to the said land stated to unacquired which in terms of Section 17(1) of the Land Acquisition Act, 1894 has since vested in the Government, cannot be granted and likewise nor can the prayer made by the petitioners vide prayer Clauses (iii) of their respective petitions seeking damages for illegal use and possession of the land in question in Khasra No.23//6/2 measuring 10 Biswas at the rate of Rs.1,00,000/- (Rupees One Lakh) per year from the date of taking over possession of the land of the petitioners from 24.01.1996 till possession is sought to be re-handed over back to the petitioners be granted.

31. However, it is apparent that during the course of submissions that had been made on behalf of either side, it was fairly urged thus, to the effect that in as much as the petitioners had not been compensated to the extent of their proportionate shares in relation to 10 Biswas of land in 23//6, Village Shah Pur Garhi, Delh in which the DDA is admittedly in possession, of which physical possession was handed over to the DDA on 24.01.1996 of 4 Bighas- 16 Biswas as mentioned in the affidavit dated 09.03.2022 filed by the Deputy Director (LM-North Zone), Pitampura, Delhi, the petitioners have essentially to be compensated for the land which in terms of Section 17(1) of the Land Acquisition Act, 1894 has since vested in the Government and cannot be restored to the petitioners in accordance with law,- in view of the



verdict of the Hon'ble Supreme Court in *Satendra Prasad Jain* (supra), the respondent no.4, the Land Acquisition Collector in terms of the verdict of the Hon'ble Supreme Court in *Satendra Prasad Jain* (supra) and directions in paragraph 19 thereof, is directed to make and publish an award in respect of the 10 Biswas of land which are in physical possession of the DDA since 24.01.1996 in terms of notification dated 22.12.1995 under Section 17(1) of the Land Acquisition Act, 1894 and simultaneous notification under Section 6 of the Land Acquisition Act, 1894 bearing No. F. 11(36)/94/L&B/LA/10765 within a period of twelve (12) weeks from the date of this judgment, which award shall be published in accordance with law and shall ensure the requisite compliance of Section 23(1A) and 23(2) of the Land Acquisition Act, 1894. It is directed further in terms of the proviso to Section 28 of the Land Acquisition Act, 1894 that interest at the rate of 15% per annum shall also be payable on the awarded amount w.e.f. 23.01.1997.

32. In view of the circumstances of the instant cases, where the petitioners have not even been compensated for the 10 Biswas of land vested in the Government in terms of Section 17(1) of the Land Acquisition Act, 1894 as observed hereinabove, it is considered essential that the prayer made by the petitioners seeking alternative plot of land for residential purposes vide their applications 23.03.1999 be re-considered, in as much as, the said applications had been rejected on the ground that the said land had not been acquired in entirety,- in view of the factum that as observed hereinabove, the land having vested in the Government in terms of Section 17(1) of the Land



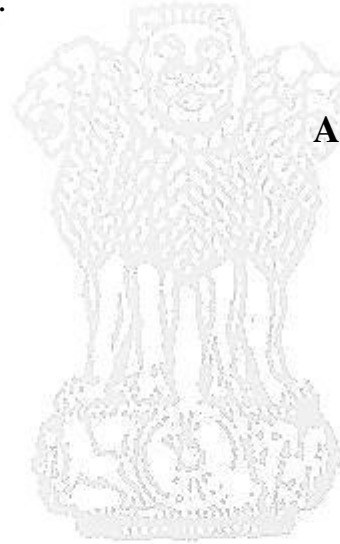
Acquisition Act, 1894 in view of physical possession thereof having been handed over by the LAC/L&B Department to the DDA on 24.01.1996 cannot be restored to the petitioners, the said applications of the petitioners seeking allotment of alternative land for residential use, are directed to be reconsidered afresh by the respondent nos. 1 & 3 in accordance with law as per rules within a period of twelve (12) weeks from the date of this judgment.

33. The W.P.(C) No. 13742/2019 and W.P.(C) No. 2536/2020 are disposed of accordingly.

**ANU MALHOTRA, J.**

**APRIL 26, 2022**

*nc*



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