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

% *Decided on: 10th February, 2023*

+ W.P.(C) 1746/2023 & CM APPL. 6697/2023
SILAK RAM Petitioner

Through: Mr. Charanjit, Advocate.
versus
UNION OF INDIA & ORS. Respondents
Through: Mr. Ankur Yadav, Senior Panel
Counsel with Mr. Gokul GP for
respondent no. 1.
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Mr. Ashim Vachher, Standing
counsel with Mr. Kunal Lakra,
Advocate for respondent no.
2/DDA.
(M): 9811023217
Mr. Yeeshu Jain, Standing
counsel with Ms. Jyoti Tyagi
and Ms. Manisha, Advocates
for respondent no. 3 and 4.
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CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

[Physical Hearing/ Hybrid Hearing]

MINI PUSHKARNA, J. (ORAL):

1. The present writ petition has been filed with prayer for direction to the respondents to allot alternative plot under the Scheme of Large Scale Acquisition, Development and Disposal of Land in Delhi against the acquisition of the land of the Petitioner.
2. It is the case on behalf of the petitioner that land measuring (0-

11) in Khasra No. 116 min out of total land of (114-18) of Sh. Chhajju, father of Petitioner in Village Bawana, Delhi was acquired vide Award No.193/86-87. Subsequently, land measuring (59-16) out of balance unacquired land of Sh. Chhajju was acquired vide Award No.01/1997-98. Father of the petitioner Sh. Chhajju expired on 26.03.1999.

3. Subsequently, vide order dated 12.05.1999, the unacquired land measuring (54-11) was mutated in favour of the petitioner and his four brothers in equal share.

4. It is submitted that the balance unacquired land was also acquired. Thus, land measuring (13-07) of the petitioner and his brothers was acquired on 15.10.2001 vide Award No. 08/2001-2002. Subsequently, land measuring (14-08) of the petitioner and his brothers was acquired on 21.03.2002 vide Award No. 15/2001-2002.

5. Later on, land measuring (22-00) of the petitioner and his brothers was acquired on 12.11.2003 vide Award No. 19/2003-2004. It is submitted that the remaining land measuring (4-16) of the petitioner and his brothers was acquired on 07.11.2005 vide Award No. 19/2005-2006.

6. Thus, it is contended that all the land under the possession and ownership of the petitioner and his brothers was acquired in toto. The petitioner has applied for allotment of alternative plot against acquisition of his land. However, the Recommendation Committee by its Minutes of Meeting dated 07.09.2018 rejected the claim of the petitioner. The relevant excerpts from the Minutes of Meeting dated 07.09.2018 are reproduced as under:-

“The case was placed before the Recommendation Committee.

However, Recommendation Committee observed that as per the report of Patwari placed at P-305-306/C, applicant has still some remaining un-acquired land in Kh. No.116//1 Min.

Further, Recommendation Committee also observed that a notice 14.09.2017 was issued to the applicant to submit the requisite documents within the stipulated time period and subsequent Public Notice dated 13.05.2018 was also published in two dailies i.e. Hindi and English to submit the requisite documents within the period of one month. But the documents are not yet submitted by the applicant till now.

Recommendation Committee is of the view that the applicant is not interested to pursue the matter and has not submitted the requisite documents despite notice and public notice and it is also evident that the land of the applicant has not been acquired in the entirety.

*The case of the applicant for allotment of alternative plot in lieu of the acquired land is **REJECTED** in view of the judgment dated 14.9.2011 of the Hon'ble Supreme Court in case titled “Delhi Administration Vs. Jai Singh Kanwar” (CA No. 8289 of 2010) and due to non-compliance of above mentioned notice and public notice.”*

7. Thus, the Recommendation Committee rejected the case of the petitioner on the ground that requisite documents had not been provided by the petitioner. It has also been observed by the Recommendation Committee that as per the report of the Patwari, some land was still remaining unacquired. It is contended on behalf of the petitioner that the respondent has rejected the claim of the petitioner wrongly, since the land of the petitioner has been acquired in toto and no land remains unacquired.

8. Issue notice.

9. Notice is accepted by learned counsels appearing for the respondents.

10. Ms. Jyoti Tyagi, appearing on behalf of the respondent no. 3 and 4 submits that many public notices were issued by them. Despite the issuance of various public notices and ample opportunities, the petitioner has not submitted the requisite documents. Thus, it is submitted that no relief ought to be granted to the petitioner.

11. Learned standing counsel for the respondent/DDA also submits that the case of the petitioner was rightly rejected as the land of the petitioner was not acquired in toto. He further relies upon the judgment of Supreme Court in the case of *Delhi Development Authority Vs Jai Singh Kanwar* and Others, Civil Appeal no. 8289/2010, order dated 14.09.2011. By relying upon the said judgment, he submits that the petitioner does not fulfil the conditions which have been stipulated by the Supreme Court.

12. I have heard learned counsels for the parties.

13. Documents have been placed on record wherein it has been shown that the land of the petitioner was acquired in various stages and ultimately all the land under the ownership and possession of the petitioner has been acquired. Further, it is also seen that the Recommendation Committee had rejected the claim of the petitioner firstly, on the ground that all the documents have not been provided by the petitioner and secondly, on the ground that complete land of the petitioner has still not been acquired. However, the documents as relied upon by the petitioner show that the land of the petitioner was

acquired completely, though at different points of time.

14. In view of the aforesaid, it is deemed expedient to allow the present writ petition.

15. The respondents are directed to consider the case of the petitioner afresh on the basis of the documents filed by the petitioner in the present writ petition. Further, liberty is also granted to the respondents to requisition any other documents that may be required for adjudication of the case of the petitioner.

16. The petitioner would be granted hearing by the respondents at the time of consideration of the case of the petitioner. The respondents shall intimate to the petitioner as well as counsel for the petitioner for appearance before the Competent Authority.

17. The petitioner would be at liberty to file any documents in its possession to the respondents so that the case of the petitioner for alternate allotment of land can be considered in proper perspective by the respondents.

18. Since it has been pointed out on behalf of the respondents that there were various public notices and ample opportunities had been granted to the public at large to submit their documents for the purposes of grant of alternative allotment of land, the present writ petition is allowed subject to cost of Rs. 5000/- payable to the Delhi High Court Mediation and Conciliation Centre.

19. With the aforesaid directions, the petition is disposed of.

MINI PUSHKARNA, J

FEBRUARY 10, 2023/c