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

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Date of Decision: 14.08.2023

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LPA 587/2023 and C.M. No. 41535/2023

SATYANAND

..... Appellant

Through: Petitioner in person.

versus

STATE GOVT OF NCT OF DELHI & ANR.

..... Respondent

Through: Mr. Santosh Kumar Tripathi,
Standing Counsel with Mr. Pradyumn
Rao, Advocate for Respondent/
GNCTD.**CORAM:****HON'BLE THE CHIEF JUSTICE****HON'BLE MR. JUSTICE SANJEEV NARULA****SATISH CHANDRA SHARMA, C.J. (ORAL)**

1. The present LPA has been preferred by the appellant against judgement dated 03.07.2023 passed by the Learned Single Judge in W.P.(C) No. 1572/2017 titled Satyanand vs. State Govt. of NCT of Delhi & Anr. wherein the Learned Single Judge has dismissed the underlying writ petition on the ground that it raised disputed question of facts which cannot be determined in writ proceedings.

2. The Appellant herein had filed W.P.(C) No. 1572/2017 claiming that the Appellant/Petitioner was a landless person and therefore was allotted a plot by the Government of NCT of Delhi (**GNCTD**)/Respondent No. 1 in terms of a policy framed by it. He claims that he was allotted a plot bearing No. 309, Panchayati Colony, Village Haiderpur, Delhi (hereinafter referred to as “**subject property**”) by Respondent No.1, however the possession of the same has been given by GNCTD to another person. He therefore filed the

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underlying writ petition praying for a direction that the Respondents remove the possession of the plot grabber from the plot in question and that the Appellant/Petitioner be paid compensation from the date of allotment till possession of the plot in question or until some other alternate plot is given to the Appellant/Petitioner.

3. The facts of the case reveal that the Appellant has earlier filed a suit being Civil Suit No. 215/1991, re-numbered as Suit No. 875/1993 titled Satyanand v. Jagdish Singh wherein the Appellant had claimed allotment of Plot No. 228-A, Ambedkar Nagar (Panchayati Colony), Haiderpur, Delhi (hereinafter referred to as “**Ambedkar Nagar Plot**”) by the Delhi Administration under its 20 Point Programme for allotment of land to poor people and the said suit was decided against the Appellant on 17.11.1994. The Trial Court in its judgment observed that as the Appellant had admitted that he was allotted a plot in Mangolpuri, he could not have been allotted another plot under the same policy in Haiderpur. The Appellant preferred an appeal against the aforesaid decision which was dismissed on 23.08.1997. He thereafter preferred a second appeal being RSA No. 03/1998 before this Court, which was also dismissed on 01.10.2010. While dismissing the second appeal, this Court had categorically held that there was no document on record to substantiate the claim of the Appellant that he was allotted the Ambedkar Nagar Plot. It is undisputed that the Appellant had not disclosed any information regarding these proceedings in the underlying writ petition.

4. The Appellant had also filed another writ petition earlier before this Court, being W.P.(C) No. 6088/2001, in which he claimed ownership of the subject property. In the said writ petition, the petitioner had prayed for a direction to the Respondent to provide certified copies of documents

including Allotment Register, Resolution Register, Sanctioned Plan and Account Records in respect of allotment of plots in Panchayati Colony, Haiderpur, Delhi – 110042. The said writ petition was disposed of vide order dated 25.08.2010 with a direction to the Respondents-therein to provide certified copies of the requisite documents to the Appellant as the Respondents had acknowledged that as per Resolution dated 22.04.1976, one Satyanand was allotted the subject property and had deposited a sum of Rs. 45/- towards a plot admeasuring 100 sq. yds.

5. Subsequently, the Appellant had also filed a Contempt Petition before this Court being Cont. Cas. (C) No. 705/2010, in which he again claimed ownership of the subject property. The Contempt Case was disposed of vide order dated 12.11.2010 by noting that a copy of the Resolution dated 22.04.1976 and relevant pages of the receipt book LR 37 dated 01.05.1976 had been handed over to the Appellant. It was also observed therein that there was no sanction plan or other documents pertaining to the subject property in favour of the Appellant. The Appellant thereafter had preferred another writ petition being W.P.(C) 7092/2011 which was withdrawn by the Appellant on 07.11.2016.

6. It is only after the aforesaid proceedings have taken place that the Appellant herein filed the underlying writ petition in 2017. The Respondents had submitted before the learned Single Judge that the claim of the Appellant was based on a receipt issued by Gram Pradhan on 01.05.1976, which would not create any title in favour of the Appellant. The Respondents had also disputed the reliance placed by the Appellant on the Resolution of Land Distribution Committee to establish his title over the subject property.

7. The Appellant has filed the instant appeal challenging the Impugned Judgment making a bald averment that the learned Single Judge has made an error on facts and law, without substantiating such averments with any cogent reasons.

8. A perusal of the record shows that there has been a history of multiple litigation being filed by the Appellant vis-à-vis the subject property and the Appellant had concealed material facts in the proceedings before the learned Single Judge. It is also apparent from the record that the Appellant has failed to establish his title over the subject property or produced any document which could establish his title over the property with certainty. The question of title over a subject property is certainly a disputed question of fact and it is well settled that a Court should not exercise its writ jurisdiction while deciding a disputed question of fact. The Hon'ble Supreme Court in ***Shubhas Jain v. Rajeshwari Shivam***, 2021 SCC OnLine SC 562 has held as under:

“26.It is well settled that the High Court exercising its extraordinary writ jurisdiction under Article 226 of the Constitution of India, does not adjudicate hotly disputed questions of facts. It is not for the High Court to make a comparative assessment of conflicting technical reports and decide which one is acceptable.”
(emphasis supplied)

9. The Hon'ble Supreme Court, recently in the case of ***M.P. Power Management Co. Ltd. v. Sky Power Southeast Solar India (P) Ltd.***, (2023) 2 SCC 703 has summed up the law pertaining to the exercise of writ jurisdiction by a Court and has stated:

“82.7. The existence of an alternate remedy, is, undoubtedly, a matter to be borne in mind in declining relief in a writ petition in a contractual matter. Again, the question as to whether the writ petitioner must be told off the gates, would depend upon the nature of the claim and relief sought by the petitioner, the

questions, which would have to be decided, and, most importantly, whether there are disputed questions of fact, resolution of which is necessary, as an indispensable prelude to the grant of the relief sought. Undoubtedly, while there is no prohibition, in the writ court even deciding disputed questions of fact, particularly when the dispute surrounds demystifying of documents only, the Court may relegate the party to the remedy by way of a civil suit.” (emphasis supplied)

10. It is also well settled that the appropriate remedy to determine a title dispute is a civil suit and it would not be appropriate for a High Court to determine the issue on the basis of affidavits in exercise of its writ jurisdiction under Article 226 of the Constitution of India. We therefore find no infirmity in the Impugned Judgment, whereby the learned Single Judge has dismissed the underlying writ petitions on the ground that it raises disputed questions of facts, and the same is upheld. The Appellant is at liberty to initiate and pursue appropriate legal remedies available to him under the law to establish his title over the subject property, if he wishes to do so.

11. With these observations, the letters patent appeal is dismissed, along with pending application(s), if any.

SATISH CHANDRA SHARMA, CJ

SANJEEV NARULA, J.

AUGUST 14, 2023