



\$~

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

W.P.(C) 1572/2017

SATYANAND

..... Petitioner

Through: Petitioner-in-person

versus

STATE GOVT OF NCT OF DELHI AND
ANR

..... Respondents

Through: Mr. Santosh Kr. Tripathi,
Standing Counsel GNCTD with
Mr. Pradyumn Rao, Mr.
Utkarsh Singh, Advocates
(M:9129829862)
Mr. Yeeshu Jain, Standing
Counsel with Ms. Jyoti Tyagi,
Ms. Manisha, Advocates
(M:9811394417)

CORAM:**HON'BLE MS. JUSTICE MINI PUSHKARNA****J U D G M E N T****03.07.2023****MINI PUSHKARNA, J.**

1. The present writ petition has been filed by petitioner in person claiming that the petitioner being a landless person, was allotted plot bearing No. 309, Panchayati Colony, Village Haiderpur, Delhi. However, possession of the said plot has been given by the respondent No.1/Govt. of National Capital Territory (NCT) of Delhi to some other person with oblique motive and mala fide intention. Thus, the present writ petition has been filed for direction to the respondents to remove the possession of plot grabber from the plot in question. There is further prayer for directions to respondents to pay compensation to



the petitioner from the date of allotment, till possession of the plot in question or till some other alternate plot is given to the petitioner.

2. It is submitted by the petitioner-in-person that he is an allottee of the plot in question. The petitioner had duly paid the requisite amount as per the Resolution of the Allotment Committee dated 22.04.1976. Hence, in terms of the Resolution of the Allotment Committee, money was deposited by the petitioner on 01.05.1976. However, possession of the said plot has still not been given to the petitioner. It is submitted that the respondent has already admitted before this Court as recorded in order dated 25.08.2010 passed in *W.P.(C) 6088/2001*, that the petitioner is an allottee of the plot in question. Thus, it is prayed that peaceful possession of the plot in question be handed over to the petitioner. If handing over of the said plot is not possible, then an alternative plot may be allotted to the petitioner.

3. The petitioner has relied upon the following judgments:

I. Lucknow Development Authority Vs. M.K. Gupta, (1994) 1 SCC 243

II. Raunaq International Ltd. Vs. I.V.R Construction Ltd. And Others, Civil Appeal No. 4892 of 1998

4. On the other hand, on behalf of the respondents, the claim raised by the petitioner is disputed. It is submitted that the petitioner has not approached this Court with clean hands and is guilty of suppression of material facts.

5. It is submitted on behalf of the respondents that the petitioner had earlier filed a suit claiming allotment of Plot No.228-A,



Ambedkar Nagar (Panchayati Colony), Haiderpur, Delhi. The said suit was decided against the petitioner on 17.11.1994. The appeal filed by the petitioner was also dismissed on 23.08.1997. Further, the second appeal being *RSA No.3/1998* filed by the petitioner was also dismissed by this Court on 01.10.2010. All these proceedings have not been disclosed in the present petition by the petitioner.

6. It is further submitted that in the earlier proceedings also, the petitioner had suppressed material facts from the court. It is submitted that when the petitioner had filed earlier writ petition, being *W.P.(C) 6088/2001*, in which he claimed ownership of Plot No. 309, the petitioner did not mention about pendency of *RSA No. 3/1998*, which related to claim of the petitioner for Plot No.228-A. The fact regarding claim of the petitioner as regards Plot No.228-A was also not disclosed by the petitioner in the contempt petition, being *Cont. Cas (C) No. 705/2010*, which pertained to claim of the petitioner qua Plot No.309. Thus, it is submitted that the petitioner has been filing multiple litigations, while concealing material facts, including claims for the allotment of both Plot No. 228-A and Plot No. 309, Village Haiderpur.

7. It is further submitted that the petitioner is estopped from claiming allotment of Plot No.309, when he had earlier claimed to have been allotted and given possession of Plot No.228-A.

8. It is further submitted that the petitioner in the suit proceedings has admitted to living in Mangolpuri, where his house was demolished and he received an alternate residential plot in Mangolpuri Resettlement Colony. In view thereof, the petitioner could not have



claimed allotment of a residential plot in Haiderpur as a landless person under the 20 Point Programme, of the erstwhile Delhi Administration, now Government of National Capital Territory (NCT) of Delhi.

9. It is further submitted that the present writ petition raises disputed questions of facts that require evidence and they cannot be decided in the present petition. It is the case on behalf of the respondents that the whole case of the petitioner is based on receipt issued by the Gram Pradhan on 01.05.1976, which does not create any title in itself. It is submitted that no allotment of the plot in question has been made in favour of the petitioner. Without any allotment letter in favour of the petitioner, the land cannot be declared as allotted to the petitioner. Thus, it is prayed that the present writ petition be dismissed.

10. I have heard ld. Counsels for the parties and have perused the record.

11. The petitioner had earlier filed a writ petition being *W.P.(C) 6088/2001* seeking prayer for providing certified copies of the documents in respect of allotments made of plots in Panchayati Colony, Haiderpur, Delhi – 110042. The petitioner had written a letter dated 10.04.2001 to the Govt. of NCT of Delhi seeking the aforesaid certified copies. Since the said documents were not provided, the petitioner had filed the said writ petition praying for certified copies of the Allotment Register, Resolution Register, Sanctioned Plan and Account Record.

12. The aforesaid writ petition was disposed of by this Court vide



order dated 25.08.2010. In the said order, it was noted that as per the reply filed by the respondents, as per Resolution dated 22.04.1976, one Satyanand was allotted plot no. 309. As per the receipt book, the said Satyanand had deposited a sum of Rs.45/- towards plot measuring 100 Sq. yards by Receipt No.99 dated 01.05.1976. Thus, the said writ petition was disposed of by this Court thereby directing the respondents to provide certified copies of the requisite documents to the petitioner.

13. Subsequently, a Contempt Petition being *Cont. Cas (C) No. 705/2010* was filed by the petitioner in person. The said contempt petition was disposed of vide order dated 12.11.2010 by noting that copy of Resolution dated 22.04.1976 and relevant pages of the receipt book, LR 37 dated 01.05.1976, were handed over to the petitioner. It was further noted in the said order dated 12.11.2010 that there was no sanction plan or any other documents pertaining to plot no.309 purportedly in favour of the petitioner.

14. As per the documents on record, the petitioner had earlier filed a suit bearing *Suit No. 215/1991*, re-numbered as *875/1993*, titled as *Satyanand Vs. Jagdish Singh*. The said suit was filed pleading therein that the petitioner was a social worker engaged in helping the needy for getting yoga treatment. He had requested the Delhi Administration for allotment of land under the 20 Point Programme, wherein land was allotted to poor people. Thus, in the said suit, it was pleaded that petitioner herein had been allotted plot no.228-A, Ambedkar Nagar, Haiderpur, New Delhi as per the scheme of Delhi Administration for allotment of land to poor people in the year 1976. It was pleaded that



the petitioner had constructed upon only a portion of the plot. The defendant in the said suit, being an official person, had dispossessed the petitioner herein and had built a Double Storeyed House on part of the said plot. In 1991 the said defendant had again dispossessed the petitioner herein and accordingly the petitioner had filed the said suit for possession and *mesne* profits.

15. The petitioner in the said suit examined Patwari as PW-1, who deposed therein that a plot had been allotted to the petitioner herein in Mangolpuri. Thus, the Trial Court dismissed the suit of the petitioner herein by judgment and decree dated 17.11.1994 thereby holding that the petitioner had not been able to prove his allotment of plot no.228-A, Ambedkar Nagar, Haiderpur, New Delhi. Further, the Id. Trial Court also noted that since the petitioner herein had admitted that he was allotted a plot in Mangolpuri, he could not have been allotted another plot under the 20 Point Programme in Haiderpur. The first appeal by the petitioner was dismissed by judgment dated 23.08.1997, after which the petitioner filed a second appeal before this Court, being *RSA No. 3/1998*.

16. The aforesaid second appeal filed on behalf of the petitioner herein was dismissed by order dated 01.10.2010 by this Court. While dismissing the appeal, this Court categorically held that there was no document on record to substantiate the claim of the petitioner herein that he was allotted plot no. 228-A, Ambedkar Nagar, Haiderpur, New Delhi. In fact, he had admitted before the Id. Trial Court that he had got an alternate plot allotted to him at Mangolpuri. Thus, a categorical finding was returned by this Court that the petitioner herein could not



have been allotted another plot at Haiderpur under the 20 Point Programme, which was a programme for allotting plots to persons without any land.

17. Perusal of the aforesaid clearly shows that the petitioner had earlier claimed allotment of plot no.228-A, Ambedkar Nagar, Haiderpur, New Delhi, under the 20 Point Programme of the then Delhi Administration in the year 1976. The petitioner was unable to prove the said claim, which was accordingly rejected.

18. Subsequently, petitioner filed a writ petition being *W.P.(C) 7092/2011* raising certain claims in his favour. However, the said writ petition was withdrawn by the petitioner, as recorded in order dated 07.11.2016. Subsequently, the present writ petition has been filed on behalf of the petitioner in the year 2017.

19. In the present writ petition, the prayer made by petitioner is with respect to removal of encroachment from Plot No. 309 that was purportedly allotted to the petitioner. However, allotment of the aforesaid plot has been completely denied by the respondents. The petitioner has not been able to show beyond doubt that he was actually allotted the aforesaid Plot No. 309 in question. The respondents have categorically stated that claim of the petitioner has been filed on the basis of a receipt issued by Gram Pradhan on 01.05.1976, which as per the respondents, does not create any title. Furthermore, the petitioner is relying upon Resolution of Land Distribution Committee to establish his title over the plot in question, which again has been disputed by the respondents.



20. The title of the petitioner to Plot No. 309, Panchayati Colony, village Haiderpur, New Delhi has been disputed by the respondents. Petitioner has failed to establish his title to the plot in question. Therefore, this Court in the face of denial of title by the respondents, cannot as such give any directions to the respondents to remove any purported encroachment from the plot in question. No directions can be passed in favour of the Petitioner as he has been unable to demonstrate that he has any legal or vested right, title or interest over the plot in question. Disputed questions of facts arise in the present matter, which cannot be decided in the present writ proceedings. This Court cannot give any finding as regards the title of the petitioner to the plot in question in the present writ proceedings. The petitioner may initiate appropriate proceedings for establishing his title over the plot in question, if so advised and if so available in law.

21. Accordingly, the present writ petition is dismissed.

**(MINI PUSHKARNA)
JUDGE**

JULY 03, 2023
au

न्यायमेव जयते