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

+ W.P.(C) 11352/2021 and CM APPL. 34940/2021

SMT VIDYA

.....Petitioner

Through: Mr. L.B. Rai and Mr. Rohit Kumar
Poddar, Advocates.

versus

GOVERNMENT OF NCT OF DELHI & ANR.Respondents

Through: Mr. Siddharth Panda, Advocate for
Respondent.

Ms. Mrinalini Sen, Standing Counsel with Ms.
Gauri Shyam, Advocates for DDA

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+ W.P.(C) 11371/2021 and CM APPL. 35020/2021

SMT MISHRI DEVI

.....Petitioner

Through: Mr. L.B. Rai and Mr. Rohit Kumar
Poddar, Advocates.

versus

GOVERNMENT OF NCT OF DELHI & ANR.Respondents

Through: Mr. Rajneesh Sharma, Advocate for
Respondent.

Ms. Mrinalini Sen, Standing Counsel with Ms.
Gauri Shyam, Advocates for DDA

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

10.12.2024

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1. These writ petitions have been preferred on behalf of the Petitioners



under Article 226 of the Constitution of India laying a challenge to the decisions of learned SDM whereby their applications for allotment of alternative plot as per Government policy in lieu of acquired lands have been rejected.

2. Petitioner in W.P.(C) 11352/2021 is stated to be the absolute owner of agricultural land measuring 2 bighas out of Khasra No.47/2 min (0-02) and 47/3/1 min (1-18), situated in revenue estate of village Tikiri Kalan, Delhi. It is averred that on 01.05.2008, the land was acquired under Award No.6/D.C.(W)/2007-08 dated 01.05.2008 and compensation was received on 02.08.2011. Petitioner applied for alternative plot on 01.08.2012 and vide letter dated 10.10.2019, she was informed of some deficiencies in the application, which she rectified. On 23.10.2019, Petitioner received a letter from Respondent No.1 asking her to furnish an affidavit that she did not own any immovable property in the urban area of Delhi as also to furnish indemnity bond, etc. Petitioner rectified the defects but despite this, vide impugned order dated 27.05.2021 her application was rejected on the ground that the entire land of the Petitioner was not acquired as per the report of the *Halka Patwari*.

3. Petitioner in W.P.(C) 11371/2021 claims to be absolute owner of agricultural land measuring 2 bighas out of Khasra No.47/2 min (0-03) and 9 min (1-17), situated in revenue estate of Village Tikiri Kalan, Delhi, stated to have been acquired vide Award No.6/D.C.(W)/2007-08 dated 01.05.2008 on 01.05.2008 for which compensation has been received. Petitioner lays a challenge to the impugned order dated 27.05.2021 whereby her application has been rejected for allotment of alternative plot on the ground that her entire land was not acquired.



4. Common contention of the Petitioners is that they were absolute owners of the subject lands which were acquired in entirety and an Award was passed in this behalf. Petitioners claim that compensation was also received for the lands acquired. Petitioners are thus entitled to alternative plot in lieu of acquisition of their entire lands under the rehabilitation policy of the Government and that they have furnished all requisite documents, as sought including a declaration on affidavits that they do not own immovable properties in the urban area of Delhi.

5. Counsel for Respondent No.1 on the other hand argues that as per the policy of the Government, if the entire land is not acquired, the owner cannot be allotted an alternative plot and in support places reliance on the judgment of the Supreme Court in *Delhi Development Authority v. Jai Singh Kanwar and Ors., Civil Appeal No.8289/2010*, decided on 14.09.2011.

6. Having heard learned counsels for the parties and having perused the rejection orders impugned in these writ petitions, I am of the considered view that the impugned orders cannot be sustained in law. There can be no quarrel with the legal proposition that Government of NCT of Delhi had introduced a scheme for allotment of alternative plot to those persons whose lands were acquired in entirety and compensation was received so that they were not rendered homeless and landless due to the acquisitions. This position is clearly settled by the Supreme Court in *Jai Singh Kanwar (supra)*. However, a bare perusal of the impugned orders shows total non-application of mind inasmuch as there is not a whisper as to which lands of the Petitioners remains unacquired. No details have been mentioned of the Khasra numbers or the area which as per the *Halka Patwari* remained



unacquired. Petitioners have taken a categorical stand in the writ petitions that their entire lands, the details of which have been mentioned, were acquired and they had received compensation. Significantly, the details are also mentioned in the application forms. The least that is expected of a Government functionary is to give reasons for rejection of any claim or application. Merely stating that as per report of *Halka Patwari*, entire land was not acquired and unacquired land was remaining, cannot suffice in a rejection order. During the course of hearing, counsel for Respondent No.1 sought to justify the impugned orders by reading the details from the counter-affidavits. I am afraid, this Court cannot read the counter-affidavit into the impugned orders which must be self-contained and speaking and must inform an applicant the reason(s) that weighed with the Competent Authority to reject the application. [Ref: ***Mohindhr Singh Gill and Another v. Chief Election Commissioner, New Delhi and Others, (1978) 1 SCC 405***].

7. Since the entire case of Respondent No.1 is predicated on the plea that some part of the lands of the Petitioners remained unacquired, it is essential that the details contained in report of the *Halka Patwari* are made known to the Petitioners so that they are able to clarify the factual aspect and therefore, it would be appropriate at this stage, to remand the matter back to the Competent Authority to revisit the matter after intimating to the Petitioners the details of the lands, which according to Respondent No.1, have remained unacquired and calling upon them to respond. The decision will be taken after granting personal hearing to the Petitioners within a period of two months from today. Needless to state that if the decision is in favour of the Petitioners and it is found that their entire lands were acquired,



their cases will be processed for allotment, subject to other formalities. However, if the decision is otherwise, a reasoned and speaking order will be passed which will be communicated to the Petitioners within one week from the date of the decision. Petitioners will be at liberty to take recourse to legal remedies, if advised.

8. Pending applications stand disposed of.

JYOTI SINGH, J

DECEMBER 10, 2024

B.S. Rohella