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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Decided on: 21.08.2025***

+ W.P.(C) 12669/2025, CM APPLs. 51690/2025 & 51691/2025

PARAS RAM

.....Petitioner

Through: Mr. Vinod Dahiya, Ms. Khushi Dahiya, Mr. Dhruv Khurana, Advocates.

versus

DELHI DEVELOPMENT AUTHORITY & ORS.Respondents

Through: Mr. Sanjay Vashishta, Mr. Siddhartha Goswami, Ms. Geetanjali Reddy, Mr. Aditya Sachdeva, Advocates for R-1.
Mr. Tushar Sannu, Mr. Vishal J., Advocates for GNCTD.
Mr. Sanjay Pathak, SC with Mr. K.K. Kiran Pathak, Mr. Sunil Kumar Jha, Mr. M.S. Akhtar, Advocates for R-2 and 3.**CORAM:****HON'BLE MR. JUSTICE PRATEEK JALAN****PRATEEK JALAN, J. (ORAL)**

1. Issue notice. Mr. Sanjay Vashishta, learned counsel, accepts notice on behalf of respondent No. 1. Mr. Sunil Kumar Jha, learned counsel, accepts notice on behalf of respondent Nos. 2 and 3.
2. The petitioner challenges an order of the Government of the National Capital Territory of Delhi ["GNCTD"] dated 21.09.2021, by which his application for allotment of an alternative plot *in lieu* of



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acquired land has been rejected.

3. The impugned order dated 21.09.2021 reads as follows:-

“Whereas, an application has been received from Sh, Paras Ram S/o Ram Narain, R/o 3D-158, Ward No. 5, NIT Faridabad, Haryana-121001 on 17.05.2000 for allotment of alternate plot as per Government policy in lieu of acquisition of land of village Sahibabad Daulatpur vide Award No. 1/98-99.

Whereas, Committee observed that the application/file was transferred from Land and Building Department to District North vide letter no. F.33(28)/13/2000/L&B/Alt/9707-09 dated 13.12.19. Further, Deficiency notice no. F.33(28)/13/2000/L&B/Alt/853 dated 04.11.2020 was issued to the applicant to submit the requisite documents. Further, an opportunity of personal hearing was also provided to the applicant on 25.03.2021.

Whereas, Recommendation committee observed that the applicant submitted the copy of ownership proof/ sale deed of property "3D-158, Ward No. 5, NIT Faridabad, Haryana" which is in the name of his wards, Sh. Sanjay Kumar Goel, Shiv Shankar Goel and Rajesh Goel.

Whereas, the Recommendation committee observed that the applicant's sons owns a house/residential plot/ flat out of village abadi in his/her owners/occupants name or in the name of his wife/ husband or any of his/her dependent relations including unmarried children, nor he should be a member of any Co-operative Housing Society”.

Whereas, the Hon'ble Supreme Court in the judgement in Civil Appeal No. 8289/2010, 82907010 of Delhi Development Authority V/s Jai Singh Kanwarhas held that “the object of the scheme is that when the land owned by a person is taken away in entirety and he is left without any house or plot, he should be allotted a plot. The Scheme therefore provided that only a person who does not own/occupants a house/residential plot/flat will be entitled to apply.”

Whereas, the Hon'ble High Court of Delhi in WPC no. 12306/15 titled as Surinder Singh Mann Vs. Govt. of NCT of Delhi decided on 25.08.2017 that “The Policy of the Government as is evident from the scheme was to provide residential plots to farmers whose land has been acquired: it was a rehabilitative measure: meaning thereby that it was to rehabilitate those farmers whose land has been acquired as they have become homeless or landless. In the instant case, the land of the petitioner has been acquired: yet before his allotment could be



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processed, the wife of the petitioner has acquired a property in her owners/occupants name meaning thereby that clause 3 (highlighted supra) created a hurdle in the case of the petitioner and since his wife already owned a plot in her name on the date when the allotment was to be issued, the petitioner was not entitled to an alternative plot. It is also not the case of the petitioner that his wife was not dependent on him.

Whereas as per legal opinion received from Land & Building Department, it is evident that “In view of the interpretation of scheme of 1961 by the various judgments of Delhi High Court on the basis of full bench judgment of Apex Court in the case of Delhi Development Authority Vs. Jai Singh Kanwar in Civil Appeal No. 8289 of 2010 dated 14.09.2011 it is clear that the person who owned any shelter over their head whether it is in the village abdai, Lal Dora, extended Lal Dora/urbanized village or urban area are not entitled for allotment of alternative plot.

In view of the legal position mentioned above and as per policy, the District Level Recommendation Committee has decided not to recommend the case of Sh. Paras Ram S/o Ram Narain, R/o 3D-158, Ward No. 5, NIT Faridabad, Haryana – 121001.”¹

4. A perusal of the impugned order dated 21.09.2021 shows that the Recommendation Committee was guided by the fact that the petitioner’s “wards”, Shri Sanjay Kumar Goel, Shri Shiv Shankar Goel, and Shri Rajesh Goel, own a residential property bearing No. 3D-158, Ward No. 5, NIT Faridabad, Haryana, 121001. Reference is also made in the impugned order to the property of the petitioner’s wife, although the impugned order does not refer to the location of the said property.
5. Thus, the respondent’s decision is predicated upon ownership of two properties by the petitioner’s family. As far as the property of the petitioner’s sons is concerned, Mr. Vinod Dahiya, learned counsel for the petitioner, submits that the petitioner’s sons are married and are not

¹ Emphasis supplied.



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dependent upon him. Their property is admittedly located in Faridabad. Mr. Dahiya submits that the only property owned by the petitioner's wife is located at House No. 3 –C-241-, NIT Faridabad, Haryana. Thus, even without going into the question of whether the properties of the petitioner's sons were liable to be considered as disqualifying the petitioner, it is apparent that the respondents have considered the family's ownership of two properties outside Delhi, both in Faridabad.

6. A judgment of a coordinate Bench dated 20.02.2024 in *Mr. Ajay Bajpai v. Union of India & Ors.*² interpreted the very same policy, to hold that the ownership of the property outside Delhi does not lead to disqualification under the policy. This view was affirmed by the Division Bench *vide* judgment dated 23.01.2025 in *The Govt. of NCT of Delhi & Anr. v. Ajay Bajpai & Ors.*³, read with corrigendum dated 04.02.2025, with the following observations:

“26. We find no merit in the aforesaid contention. First, it is important to note that neither the Applicant nor his wife owns any property in Delhi. Concededly, the flat where the Applicant currently resides – as noted in the rejection order – is located in Gurgaon. The policy does not render the person, whose family owns a property outside Delhi, ineligible for an allotment of an alternate plot under the Scheme.”

Relying upon the judgment of the Full Court in *Smt. Shiv Devi Virley v. Lt. Governor of Delhi & Ors.*⁴, the Division Bench further observed as follows:

“29. The reliance placed by the learned counsel for the appellants on the decision of the Full Bench of this court in Smt. Shiv Devi Virley v. Lt. Governor of Delhi & Ors. (supra) is misplaced. In the said case, the Court had considered the following Clause of the policy for

² W.P.(C) 7412/2023.

³ LPA 56/2025.

⁴ 1986 SCC OnLine Del 254.



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allotment of alternate plot:

“12.

(10)(a) No plot should be allotted to any person, who or whose wife/husband or any of his/her dependent relations including unmarried children own a house or residential plot of land in Delhi, New Delhi or Cantonment. The question of making an exception in the case of persons living in a congested locality or whose family has outgrown should be considered after some experience has been gained of the working of the scheme.”

30. After referring to the aforesaid Clause, the Full Bench had observed as under:

“13. This shows that a plot can only be allotted to a person whose wife/husband or any of his/her dependent relations, including unmarried children do not own a house or plot in Delhi. Thus, the only beneficiaries under the Scheme of allotment in lieu of a plot are those who have no house in Delhi or whose dependent family members, etc., do not have a house. No other person can get an allotment. If we see the scheme this way, we will understand that it has a distinct beneficial quality regarding the public. It is not a gift. It is a necessity for persons who would otherwise not possibly acquire any home.”

31. It is clear from the above that the observations made by the Full Bench were in the context of clause that proscribed allotment of any plot to a person whose wife/husband or any of his/her dependent relations owned house/residential plot in Delhi, New Delhi or Cantonment. In the present case, there is no dispute that neither the Applicant/nor his wife owns any house/residential plot of land in Delhi or New Delhi. The aforesaid decision also highlighted that the scheme had a beneficial quality as it is for allotment of the residential units/land to persons who had no house in Delhi.”

7. Mr. Jha states that the respondents have assailed the Division Bench judgment in *Ajay Bajpai* by way of a Special Leave Petition in *Govt. of NCT of Delhi & Anr. Ajay Bajpai & Ors.*⁵ However, the Special Leave Petition has not yet been listed, despite the judgment of the Division Bench having been rendered almost seven months ago. I am,

⁵ SLP (C) _ Diary No. 41428/2025.



therefore, bound by the view taken by the Division Bench.

8. In these circumstances, the impugned order dated 21.09.2021 is set aside, and the matter is remanded to the District Magistrate, North, Alternative Branch, GNCTD, for a fresh decision in accordance with law. Naturally, if it is found that the petitioner is ineligible on account of ownership of any other land which falls within the bar contemplated by the policy, that ground remains open to the respondents.

9. The writ petition, alongwith the pending applications, is disposed of in these terms.

PRATEEK JALAN, J

AUGUST 21, 2025/‘Bhupi/Jishnu’/