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

+ W.P.(C) 3006/2014
GUGAN

.....Petitioner

Through: Mr. N.S. Dalal, Ms. Nidhi Dalal,
Mr. Aman Mudgal, Mr. Alok
Kumar, Advocates.

versus

LAND & BUILDING DEPARTMENTRespondent

Through: Mr. Sanjay K. Pathak, SC with
Mrs. K.K. Kiran Pathak, Mr. Sunil
Kumar Jha, Advocates.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
01.09.2025

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1. The petitioner has approached this Court under Article 226 of the Constitution, challenging an order dated 03.04.2013, by which his application for allotment of an alternative plot in lieu of acquired land was rejected, as well as the letter dated 16.05.2013, by which the said order was communicated to him.
2. The reason stated in the impugned communication dated 16.05.2013 is that physical possession of two parts of the acquired land i.e., land measuring 1 Bigha 5 Biswas in *Khasra No. 88/7/2*, and land measuring 4 Bighas and 2 Biswas in *Khasra No. 88/8/1*, had not been taken by the acquiring department.
3. The petitioner has placed on record a judgment dated 17.11.2001 of



the Reference Court in *Union of India v. Gagan & Ors.* [LAC 4/1999], which holds that 17 Bighas 19 Biswas of the acquired land (including the part mentioned in the impugned order) was not in possession of the petitioner but of third parties, who are not parties to the present writ petition. Mr. N.S. Dalal, learned counsel for the petitioner, submits that, as far as the petitioner's land is concerned, therefore, the entire land was subject to acquisition and taking over of possession. However, he states that the petitioner has filed an appeal [RFA 576/2001] against the said judgment, which remains pending before this Court.

4. Mr. Sanjay K. Pathak, learned Standing Counsel for the respondent, and Mr. Dalal, both submit that the correctness of the order dated 03.04.2013, as also the substantive entitlement of the petitioner to an alternative plot, will depend on the total extent of his land which was acquired vis-à-vis the land taken into possession by the respondent. These factors will attain finality only after the pending appeal under the Land Acquisition Act, 1894, is decided.

5. In view of the above, Mr. Dalal and Mr. Pathak submit that the writ petition may be disposed of at this stage, with liberty to the petitioner to approach the authorities for reconsideration in the light of the resolution of the said appeal. Mr. Pathak submits that the matter will be considered in accordance with law, at that stage.

6. The writ petition is, accordingly, disposed of in terms of the aforesaid observations.

PRATEEK JALAN, J

SEPTEMBER 1, 2025/“Bhupi/KA”/