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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 16946/2025 & CM APPL. 69648/2025, CM APPL. 69649/2025**

SAJJAN SINGH

.....Petitioner

Through: **Mr. S. S. Dahiya, Adv.**

versus

UNION OF INDIA, THROUGH MINISTRY OF HOUSING AND URBAN AFFAIRS & ORS.

.....Respondents

Through: **Mr. Sanjay Kumar Pathak, Sc for R-1 and 2 along with Mr. Sunil Kumar Jha and Mr. Divakar Kapil, Advs.**

CORAM:

HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER
10.11.2025

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1. Heard.
2. The petitioner has approached this Court with following prayers:-

“(i) Issue a writ of certiorari or any other writ of like nature for quashing the impugned notification No. 775 dated 21st December, 1911 of the year 1911 - 1912 qua the Khasra No. 328 of the Village Malcha, quash the impugned lease deed/agreement dated 27-07-1959 in respect of same Khasra No. 328, declaring the aforesaid acquisition proceedings illegal & lapsed as the acquisition of Land acquired for public utility purpose namely for new capital of India at Delhi has not been utilized for the said purpose. whereas the said Khasra No. 328 has been leased out to respondent No. 4 for private use and the said Khasra No. 328 is liable to be restored/returned to the petitioners/owners of the land in terms of section 24 (2), 63, 85, 87, 99, 100 of the right to fair compensation and transparency in land acquisition,



habilitation and resettlement act 2013 and Section 48 of old acquisition act 1894 and also under Article 14, 16, 19 & 21 of the constitution.

(ii) Issue a writ of Mandamus or any other writ like nature directing Respondents to restore the land of Khasra No. 328 to the Petitioners or in alternative provide equivalent land of the same market value to the petitioners as the new land act provides for right to fair compensation and transparency in land acquisition, rehabilitation and resettlement of the land losers,

(iii) Issue a writ of prohibition directing the Respondents not to create any 3rd party interest or renewal of lease or allow the further raising of construction or parting with the possession of the land during the pendency of the petition;”

3. It is the case of the petitioner that the land owned by his predecessor was acquired way back in 1911, and a part of the same, bearing *Khasra* No. 328, was allotted to respondent no. 4 on 27th July 1959.
4. Alleging that the aforesaid allotment is contrary to the provisions of the *Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013* (**‘Act of 2013’**), particularly Sections 63, 85, 87, 99, and 100, it is urged that the allotment in favour of respondent no. 4 not only vitiates the acquisition proceedings but also warrants interference by this Court in its extraordinary jurisdiction by issuing the following directions:—
 - a. *To repossess the land from respondent no. 4 and through the Land Acquisition Collector, restore the same to the petitioner, as the public purpose for which it was acquired has not been achieved by allotting it to a private trust.*
 - b. *The further contention is that even the compensation has not been paid and in such eventuality, the officers who were responsible for the decision to allot the land to respondent no. 4 are required to be proceeded against in view of the provisions*



of Sections 85 and 87 of the Act of 2013.

5. As against the above, *Mr. Pathak*, learned counsel appearing for the respondents, would urge that not only is the petition hopelessly time barred but an earlier attempt on the part of the petitioner to seek compensation had already been rejected.
6. *Mr. Pathak*, would urge that in the earlier round of litigation, the Court had relied upon the judgment in ***Mahavir & Ors. v. Union of India & Ors.*** 2017:DHC:1888-DB, wherein costs had already been imposed on the petitioner therein.
7. We have considered the rival claims.
8. It is not in dispute that the petitioner had earlier approached this Court through W.P.(C) 9233/2014, which was dismissed on 02nd May 2017, with an observation that the claim put forth *qua* the compensation receivable from the respondents was raised at a much belated stage.
9. One can understand that the petitioner could have raised the claim regarding the repossession of the land from respondent no. 4 in the very same petition, as such an opportunity was very much available when W.P.(C) 9233/2014 was pursued.
10. If we consider the aforesaid default on the part of the petitioner, in the light of the provisions of Order II Rule 2 of the Civil Procedure Code, 1908, this Court must infer that the petitioner has given up said claim when the W.P.(C) 9233/2014 was pursued before this Court.
11. Apart from the above, the reasons which are cited for the dismissal of the petition on 02nd May 2017 are still germane to the cause for deciding present petition. The present petition is not only hopelessly time barred but also there are no convincing reason on record to warrant



indulgence. In our considered opinion, the petition warrants dismissal with costs. Accordingly, we dismiss the present petition with costs of Rs. 25,000/-.

12. Cost be deposited with *the Delhi High Court Legal Services Committee* within a period of four weeks from today.
13. Pending applications also stand disposed of.
14. Order be uploaded on the website of this Court.

NITIN WASUDEO SAMBRE, J

ANISH DAYAL, J

NOVEMBER 10, 2025/sky/sk