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

+ W.P.(C) 13271/2018, CM APPL. 51611/2018 & CM APPL.  
51612/2018

RAJ KARAN

.....Petitioner

Through: Mr. R.S. Tomar, Advocate.

versus

GOVERNMENT OF NCT OF DELHI

.....Respondent

Through: Mr. Biraja Mahapatra, Mr. Nalin  
Hingorani, Advocates.

**CORAM:**

**HON'BLE MR. JUSTICE PRATEEK JALAN**

**ORDER**

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**28.01.2025**

1. The petitioner has filed this petition, under Article 226 of the Constitution, challenging a communication dated 15.04.2013, by which his request for allotment of alternative land, in *lieu* of acquired land, was rejected.

2. The petitioner's case is that the land originally belonged to his father - Late Shri Chandgi Ram, which is *Khasra No. 53/2/2(1-03), 66/10 (4-16), 67/6 (4-10), 78(4-09), 14(4-16), 15(4-16), 16(4-16), 17(4-16), 24(4-16), 25(4-16), 26 (0-07), 27(0-6), 76/5(4-16), 78/25(4-16), 79/21 min (4-16), 87/1(4-16), 9 (2.08), 10 (4-12), 11(4-14), 12(4-16), 19(4-16), 20(4-16)*, total measuring 87 bigha 5 biswas to the extent of 1/6th share and land comprised in *Khasra No. 88/5/1 (2-08) situated within the revenue estate of Village Narela, Delhi-110040*.

3. By the impugned order, the respondent rejected the petitioner's

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request on the ground that his land had not been acquired in entirety, relying upon the judgment of the Supreme Court in *Delhi Development Administration v. Jai Singh Kanwar* [CA No. 8289/2010, dated 14.09.2011]. Before this Court, however, it has been submitted by Mr. R.S. Tomar, learned counsel for the petitioner, that the land of the petitioner's father was in fact acquired in full. In the order dated 08.10.2024, it was directed as follows:

*“1. On the last date of hearing the matter was adjourned as there was no clarity whether the entire land of the Petitioner stood acquired. Today, learned counsel for the Petitioner has shown the original award bearing No. 243/86-87 in which Khasra No. 88/5 was also acquired.*

*2. Let a copy of the award be handed over to the learned counsel for the Respondent during the course of the day for verification. Additionally, an affidavit indicating the family arrangement between the parties and/or relinquishment by other siblings be filed by the Petitioner before the next date of hearing. Copy of the award shall also be filed by the Petitioner on an affidavit.*

*3. List on 07.11.2024.”*

4. The affidavit has since been filed and learned counsel for the respondent also accepts, upon instructions, that this is the correct position. However, he submits that the petitioner is required to file an affidavit stating that neither he nor his siblings have been allotted any alternative land in *lieu* of the acquired land.

5. Mr. Tomar states that such an affidavit will be submitted to the respondent within such time as the Court may direct.

6. In view of the above factual position, the impugned order dated 15.04.2013 is set aside. The petitioner is directed to appear before the Deputy Secretary, Land and Building Department (Alternative Branch), Government of NCT of Delhi, on 07.02.2025 at 11:30 AM with the



aforesaid affidavit.

7. Learned counsel for the respondent states that no other documents are required from the petitioner. Upon submission of the aforesaid affidavit in these terms, the respondent is directed to take an appropriate decision within a period of two weeks thereafter, and communicate the same to the petitioner through counsel.

8. The petition, alongwith pending applications, is disposed of with these directions.

**PRATEEK JALAN, J**

**JANUARY 28, 2025**

SS/kb/