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

% *Date of Decision: 21.05.2026*

+ **LPA 398/2026, CM APPL. 35152/2026, CM APPL. 35153/2026,
CM APPL. 35154/2026 & CM APPL. 35155/2026**

SMT. RAJ KUMARI (SINCE DECEASED) THROUGH HER
LEGAL HEIRS

.....Appellants

Through: Mr. N.S. Dalal, Ms. Nidhi Dalal, Mr.
Alok Dev, Mr. Alok Kumar & Ms.
Rachna Dalal, Advocates.

Versus

DELHI DEVELOPMENT AUTHORITY & ANR.Respondents

Through: Ms. Prabhsahay Kaur- Standing
Counsel along with Mr. Bir Inder
Singh Gurm & Mr. Kamlendu
Pandey, Advocates for DDA.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJAS KARIA

TEJAS KARIA, J. (Oral)

CM APPL. 35151/2026 (Condonation of Delay)

1. For the reasons stated in the Application, the delay of 74 days in filing the present Appeal is hereby condoned.

2. The Application stands disposed of.

CM APPL. 35156/2026 (Exemption)

3. Exemption is allowed, subject to all just exceptions.

4. The Application stands disposed of.

CM APPL. 35157/2026 (Exemption)

5. Exemption is allowed, subject to all just exceptions.

6. The Application stands disposed of.



LPA 398/2026

7. The present Letters Patent Appeal is directed against Order dated 03.02.2026 (“**Impugned Order**”) passed in W.P.(C) No.4176/2021 (“**Writ Petition**”) whereby the Writ Petition filed by Late Smt. Raj Kumari restraining the Respondents from taking over the possession of the land and building situated at Khasra No. 45/23/2 and 52/3, ad-measuring 1100 sq.yds., village Prahladpur Bangar, Delhi (“**Property**”) has been dismissed.

8. Late Smt. Raj Kumari, wife of Appellant No. 1 and mother of Appellant Nos. 2 to 5, was stated to be the owner of the Property. It is the case of the Appellants that she had raised construction thereon and remained in use and occupation of the same.

9. It is further the case of the Appellants that, after the demise of Smt. Raj Kumari, they have continued to use and enjoy the Property. According to them, although the Property had been purchased by Late Smt. Raj Kumari long prior thereto, it was subjected to acquisition proceedings initiated by a notification under Section 4 of the Land Acquisition Act, 1894 (“**Act**”) and culminated in an Award under Section 6 thereof, however the physical possession of the Property was never taken by the Respondents.

10. The Appellants further aver that the predecessor-in-title of Late Smt. Raj Kumari had received compensation pursuant to the Award passed under the Act, without any intimation to Late Smt. Raj Kumari.

11. The Property is stated to be situated in the Prahladpur Industrial Area, an unauthorized industrial area. *Vide* notification dated 18.09.2007, the Lieutenant Governor of the NCT of Delhi notified the *in-situ* development of the Prahladpur Industrial Area and, *inter alia*, provided that where a



decision had been taken to regularize colonies, possession of lands forming part thereof would not be taken, irrespective of whether such lands were built up or otherwise.

12. On 26.04.2008, Prahladpur Bangar Jan Kalyan Vikas Samiti is stated to have applied for regularization of the extended *lal dora* of village Prahladpur Bangar, which included the land of Late Smt. Raj Kumari, whereupon provisional regularization was issued. The process of regularization is stated to be still pending. On 01.05.2012, Respondent No. 1 issued a notification laying down regulations relating to the redevelopment of clusters of industrial concentration in non-conforming areas/unplanned industrial areas, including the Prahladpur Industrial Area.

13. Thereafter, on 23.09.2013, the Government of India, *vide* Gazette Notification, amended the Master Plan for Delhi- 2021 (“**MPD-2021**”) and included Prahladpur Bangar under the head “Industry” and the sub-heading “Redevelopment of Unplanned Industrial Areas”.

14. The Appellants further state that certain unidentified officials of Respondent No. 1 approached Late Smt. Raj Kumari and threatened that the Property belonged to Respondent No. 1 and that possession thereof would be taken after demolition of the building and boundary wall standing thereon. It is in these circumstances that Late Smt. Raj Kumari instituted the Writ Petition before the learned Single Judge seeking a writ of prohibition restraining the Respondents from taking possession of the Property.

15. *Vide* the Impugned Order, the learned Single Judge held that the Property had been validly acquired by the Respondents and that the acquisition proceedings had attained finality, particularly in view of the fact



that the predecessor-in-interest of Late Smt. Raj Kumari had claimed and received compensation in respect of the acquired land. Consequently, the Writ Petition came to be dismissed.

16. Aggrieved by the Impugned Order, the Appellants, being the legal heirs of Late Smt. Raj Kumari, have preferred the present Appeal.

17. We have heard learned counsel appearing for the Appellants and learned counsel appearing for the Respondents.

18. Learned counsel for the Appellants submitted that the Property is situated within the Prahladpur Industrial Area, which was notified as an industrial area by notification dated 11.09.2007, and *vide* notification dated 18.09.2007 issued by the Hon'ble Lieutenant Governor of the NCT of Delhi, it was decided that lands forming part of colonies in respect of which a decision for regularization had been taken would not be taken into possession, irrespective of whether such lands were built up or otherwise.

19. It was further submitted on behalf of the Appellants that, the Property being part of the said industrial area, possession thereof could not have been taken over, particularly when the same also found mention in MPD-2021, issued *vide* notification dated 23.09.2013 under the heading "Development of Unplanned Industrial Area".

20. Learned counsel for the Appellants further submitted that, in the counter affidavit filed by the Respondents, there was no specific denial of the assertion that the Property was situated within the Prahladpur Industrial Area, which was to be developed as an unplanned industrial area under MPD-2021; however, the learned Single Judge failed to advert to the said aspect in the Impugned Order.



21. It was also submitted on behalf of the Appellants that the learned Single Judge failed to appreciate that, once a right had been conferred in law, the same could not be divested, and Respondent No. 1 could not be permitted to contend contrary to the notifications issued by the competent authorities.

22. Learned counsel for the Appellants also placed reliance upon the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorized Colonies) Act, 2019, under which transactions relating to immovable properties based on documents such as power of attorney, agreement to sell, will, possession letter, and other documents evidencing payment of consideration in favour of a resident of an unauthorized colony stand recognized. It was submitted that, since Late Smt. Raj Kumari had purchased the Property by virtue of the Agreement to Sell, General Power of Attorney, and Wills dated 29.09.2015, 30.12.2015, and 27.06.2016, the same could not thereafter be taken over by Respondent No. 1 once the ownership rights in respect thereof stood recognized under the aforesaid Act of 2019.

23. On the aforesaid basis, learned counsel for the Appellants prayed that the Impugned Order be set aside.

24. *Per contra*, learned counsel for the Respondents submitted that the purchase of the Property by Late Smt. Raj Kumari was contrary to Section 3 of the Delhi Lands (Restriction on Transfer) Act, 1972, which prohibits any person from purporting to transfer property situated in the Union Territory of Delhi once the same has been acquired by the Central Government under the Land Acquisition Act, 1894. It was further submitted that possession of



the Property had been handed over to Respondent No. 1 by the Land Acquisition Collector on 09.05.2000 and that the award came to be passed on 08.07.2002. It was also contended that neither the acquisition proceedings nor the award had been challenged or set aside by any court of competent jurisdiction and, therefore, since Late Smt. Raj Kumari had purchased the Property subsequent to the acquisition, such purchase had no legal sanctity in the eyes of law.

25. It was further submitted on behalf of the Respondents that the Appellants had themselves admitted that the predecessor-in-interest of Late Smt. Raj Kumari had received compensation for the acquired land, as is evident from paragraph 13 of the rejoinder to the counter affidavit filed in the Writ Petition.

26. The learned Counsel for the Respondents submitted that the land that has been acquired by the Government cannot be sold and as such the purchase of the Property by Late Smt. Raj Kumari was void. In support of this submission, the learned Counsel for the Respondents relied upon the following decisions:

- (i) ***Premji Ratansey Shah & Ors. v. Union of India & Ors.*, (1994) 5 SCC 547.**
- (ii) ***M. Venkatesh & Ors. v. Commissioner, Bangalore Development Authority*, (2015) 17 SCC 1.**
- (iii) ***Shiv Kumar & Anr. v. Union of India & Ors.*, (2019) 10 SCC 229.**
- (iv) ***Rajasthan State Industrial Development & Investment Corporation v. Subhash Sindhi Cooperative Housing Society, Jaipur & Ors.*, (2013) 5 SCC 427.**



(v) ***Hoshiyar Singh & Ors. v. Delhi Development Authority, 2014 LAWPACK (Del) 54111.***

27. The learned Counsel for the Respondents also submitted that a trespasser in the government land is not entitled to any show cause notice as he/she has no right to be on the said land. In support of this submission, the learned Counsel for the Respondents relied upon the following decisions:

(i) ***B.R. Anand v. DDA & Ors., 2005 (125) DLT 116.***

(ii) ***Rakesh Jain v. NDMC & Ors., 2010 SCC OnLine Del 1125.***

28. Accordingly, the learned Counsel for the Respondents submitted that the present Appeal deserves to be dismissed.

29. We have considered the rival submissions advanced on behalf of the Parties. We have also perused the Impugned Order and examined the material placed on record.

30. The principal contention urged on behalf of the Appellants is that the Property is situated within the Prahladpur Industrial Area and that, in view of the various notifications and MPD-2021, Respondent No. 1 lacks the authority to take possession thereof.

31. However, it is an admitted position that the Property was purchased by Late Smt. Raj Kumari after the same had already been acquired under the Act, and that the predecessor-in-title of Late Smt. Raj Kumari had received compensation in respect of the Property without any intimation to her.

32. In the aforesaid circumstances, the Appellants do not possess any right, title, or interest in the Property and cannot claim to continue in possession thereof, the Property having been lawfully acquired and



compensation in respect thereof having already been received by their predecessor-in-title.

33. Accordingly, the purchase of the Property was clearly contrary to the Delhi Lands (Restrictions on Transfer) Act, 1972. Section 3 of the said Act reads as under:

“3. Prohibition on transfer of lands acquired by Central Government.—No person shall purport to transfer by sale, mortgage, gift, lease or otherwise any land or part thereof situated in the Union territory of Delhi, which has been acquired by the Central Government under the Land Acquisition Act, 1984 (1 of 1984), or under any other law providing for acquisition of land for a public purpose.”

34. In our considered view, any purchase of the Property by Late Smt. Raj Kumari, in whatsoever form, was void being in contravention of Section 3 of the Delhi Lands (Restrictions on Transfer) Act, 1972. Consequently, the Appellants cannot derive any benefit from the provisions of the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorized Colonies) Act, 2019.

35. The decisions relied upon by learned counsel for the Respondents apply squarely to the facts of the present case. Once the Property had been acquired under the Act and compensation in respect thereof had been received, no valid transfer of the same could thereafter have been effected. In such circumstances, the remedy, if any, available to the Appellants would lie in seeking appropriate relief against the predecessor-in-title of Late Smt. Raj Kumari for having purported to transfer the Property despite its prior acquisition and receipt of compensation.



2026:DHC:4993-DB



36. In view of the foregoing, we find no ground to interfere with the Impugned Order, which is accordingly affirmed. Consequently, the present Appeal, along with all pending applications, stands dismissed. There shall be no order as to costs.

TEJAS KARIA, J

DEVENDRA KUMAR UPADHYAYA, CJ

MAY 21, 2026

‘gsr’