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

+ **W.P.(C) 12950/2019, CM APPL. 52788/2019**

JEET SINGH

.....Petitioner

Through: **Mr. Kanwar Udai Bhan Singh**
Sehrawat, Advocate.

versus

AIRPORTS AUTHORITY OF INDIA AND ORSRespondents

Through: **Ms. Sweety Singh, Advocate for R-2.**
Mr. Rishi Kapoor and Mr. Azad
Bansala, Advocates for R-1.
Mr. R.K. Dhawan, SC with Ms. Nisha
Dhawan, Mr. Pawan Karan Das, Mr.
V.K. Teng and Mr. K.R. Madhar,
Advocates for R-3.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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27.01.2026

1. The present writ petition assails the order dated 28th September, 2016 passed by the Nodal Officer-cum-Additional District Magistrate, whereby the request of the Petitioners for allotment of separate individual rehabilitation plots under the scheme framed for the displaced residents of Village Nangal Dewat was rejected. The controversy arises out of the acquisition of abadi land for the development of Palam Airport and concerns the entitlement of the Petitioners to individual alternative plots on the basis of their alleged independent holdings and inherited shares.



2. The present Petitioners are the legal representatives of late Jeet Singh, who was one of the sons of Surta S/o Siria. Surta was the recorded owner in the acquisition record. The claim to an individual alternative plot is traced through Jeet Singh, and not through Surta. References to “predecessor” hereafter are to Jeet Singh unless the context indicates otherwise.

3. The Petitioners trace their claim to holdings and structures in Khasra Nos. 1243 (old abadi) and 1259/1 (extended abadi). It is asserted that late Surta @ Surat Singh, S/o Siria, was the recorded owner in possession of land measuring 1015.17 sq. yds. The Petitioners further rely upon entries reflecting that Jeet Singh (also described in certain structure entries as Jeet Ram S/o Surta) had an independent 1/6th share of 75.5 sq. yds in Khasra No. 1243, and that his name figured separately in the Survey Report and Naksha Muntazamin. As regards another family member, it is asserted that he was in occupation of a dwelling unit admeasuring 66 sq. yds in the same khasra and held an independent electricity connection. On this basis, the Petitioners contend that each claimant ought to be assessed separately, by adding (i) the claimant’s independent holding and (ii) the claimant’s proportionate share in the father’s holding, and thereafter allotting separate alternative plots to each eligible claimant.

Prior proceedings and the remit to the Nodal Officer

4. The Petitioners had earlier approached this Court by W.P.(C) 303/2007, assailing the order dated 10th November, 2006 by which the Nodal Officer had rejected the request for allotment of separate alternative plots in individual names. By the order passed in the said writ petition, this Court partly accepted the challenge, holding that where the name of a claimant figured in the Survey Report and the claimant was shown to have



an independent holding, the claimant's share in the father's holding had to be added to such independent holding in terms of the guidelines approved by this Court on 18th May, 2005. In the earlier proceedings, the claim advanced on behalf of Satbir Singh (another son of Surta) was rejected, and no relief was granted in his favour. The Nodal Officer was directed to undertake the computation exercise and proceed accordingly.

5. The present petition is directed against the order dated 28th September, 2016 passed thereafter. That order proceeds on the footing that, by reason of the later Division Bench decision in LPA No. 429/2007 titled *Airport Authority of India v Nirmala Devi & Ors.*,¹ the question of entitlement to an "individual" alternative plot cannot turn merely on the appearance of a name in the Survey Report or Naksha Muntazamin. The impugned order applies the requirement laid down by the Division Bench which, in substance, requires the claimant to establish a triad: (i) separate mention in the Survey Report, (ii) separate mention in the Naksha Muntazamin, and (iii) separate assessment and award of compensation in the Award in respect of the land underneath the super-structure said to have been raised by the claimant.

6. On that approach, the Nodal Officer recorded, inter alia, that: (a) the name of Jeet Singh does not appear separately in the Survey Report in respect of land in Khasra Nos. 1243 or 1259/1; (b) the Naksha Muntazamin (land) reflects assessment of compensation in the name of Surta S/o Siria; (c) although a structure entry at Sr. No. 252 reflects the name "Jeet Ram S/o Surta" (stated by the Petitioners to refer to Jeet Singh), there is no separate assessment of compensation in the Award for the land underneath such



structure; and (d) the claimants have not complied with the requirement of handing over vacant physical possession of the earlier allotted plot.

Submissions

7. Counsel for the Petitioners submits that the impugned order defeats the remit of this Court in the earlier round. It is urged that, while disposing of W.P.(C) 303/2007, this Court had already taken note of the Petitioner Jeet Singh's separate reflection in the contemporaneous records, including the Survey Report and the Naksha Muntazamin, and had held that once such separate mention and independent holding are shown, the proper method is to add the Petitioner's independent holding to his proportionate share in the father's holding for determining the size of the alternative plot. The Petitioners contend that the Nodal Officer has, instead, adopted a mechanical approach of treating the family as one unit, which is the very approach that had been faulted earlier.

8. It is further urged that the impugned order proceeds on an incorrect factual foundation. According to the Petitioners, the material placed earlier indicated that the Petitioner's name was reflected in the Naksha Muntazamin in relation to assessment of compensation. The Petitioners allege that this has been sidelined through reliance upon a Tehsildar's report which, in their submission, does not correctly reflect the underlying primary documents. They also rely on the pleaded circumstance that Satbir Singh had a dwelling unit and an independent electricity connection, which, according to them, corroborates the case of separate occupation and separate entitlement.

9. The Petitioners also submit that the Nodal Officer has over emphasised the Award entry. They argue that a person's eligibility cannot be

¹ Decided on 19th February, 2013



negated merely because the compensation in the Award was recorded in the name of a predecessor, particularly where the holdings devolved by succession and the revenue records were mutated after the death of the recorded owner. Their case is that the rehabilitation scheme was intended to address genuine abadi occupants and not to exclude heirs on account of the manner in which compensation happened to be booked at the time of acquisition.

10. The Petitioners also contend that the requirement of handing over possession of any earlier allotted plot has been invoked against them unfairly. They submit that their claim is for correct computation and separate allotment in terms of the governing guidelines, and that the authority ought to have first determined entitlement in accordance with the judicial directions and thereafter dealt with any ancillary compliance requirement in a fair and practicable manner.

Submissions on behalf of the Respondents

11. Per contra, counsel for the Respondents submits that the petition seeks a factual reappreciation of record in writ jurisdiction. It is urged that the rehabilitation framework is record-driven, and that for an individual alternative plot, the claimant must satisfy the criteria crystallised in the judicially approved guidelines as later clarified by the Division Bench. The Petitioners cannot rest their claim merely on a separate mention in the Survey Report or Naksha Muntazamin. Where an individual plot is claimed on the footing of an independent super-structure, the scheme administered as per judicial directions, requires corresponding recognition in the Award through separate compensation for the land underneath that super-structure. This is said to be the controlling distinction between joint entitlement of



heirs and an individual allotment.

12. The Respondents submit that the Nodal Officer has acted strictly in accordance with the framework crystallised by the Division Bench. It is contended that the rehabilitation scheme is entirely record-driven and that entitlement to an individual alternative plot must be demonstrable from the contemporaneous acquisition record. Reliance is placed on the additional affidavit and the translated extracts to emphasise that, in respect of Khasra Nos. 1243 and 1259/1, the land compensation entries in the Survey Report, Naksha Muntazamin (land), and the Award stand in the name of Surta S/o Siria alone. The Respondents assert that Jeet Singh is not reflected as a separate landholder or as a recipient of separate land compensation in the Award.

13. It is further submitted that although a structure entry at Sr. No. 252 reflects the name “Jeet Ram”, there is no corresponding assessment of compensation for the land underneath such structure in his name. According to the Respondents, the Division Bench has made it clear that a mere appearance in the structure column, unaccompanied by separate land compensation in the Award, does not satisfy the eligibility test for an individual allotment.

14. The Respondents also submit that the Petitioners’ reliance on subsequent mutation entries is misplaced. Mutation, in their submission, addresses *inter se* recognition of succession in revenue records and does not displace the acquisition-time record which forms the basis of rehabilitation entitlements. They contend that accepting post-acquisition mutations as a substitute for the Award-based requirement would introduce inconsistency and unequal treatment among similarly placed claimants.



15. On the Petitioners' reliance upon the earlier order in W.P.(C) 303/2007, the Respondents submit that the earlier directions were to compute entitlement in accordance with the governing guidelines. They contend that the later Division Bench decision, which the Nodal Officer has applied, binds the administrative process and ensures uniformity across the category of claims. The Nodal Officer, according to the Respondents, has therefore correctly reviewed the claim through the updated and binding criteria rather than treating the earlier observations as a final factual determination insulated from subsequent clarifications of law.

16. The Respondents also submit that the Petitioners have not complied with the requirement of handing over vacant possession of any earlier allotted plot. They contend that a claimant cannot retain the benefit already extended and simultaneously seek a fresh configuration resulting in multiple or individual allotments. On that footing, they urge that the impugned rejection is justified both on eligibility as well as on compliance.

Scope of interference

17. The impugned order is an administrative determination rendered under a court-approved rehabilitation framework. Judicial review in such a setting does not operate as an appeal on facts. The task is to examine whether the authority applied the correct legal yardstick, considered the material placed before it, and reached a conclusion that is not vitiated by perversity, patent disregard of binding directions, or manifest error apparent on the face of the record. A writ court does not re-weigh the underlying evidentiary material to reach its own preferred factual conclusion merely because a different view is possible.

18. On the pleadings and the record placed, the following questions arise



for determination:

- (i) whether, in undertaking the exercise pursuant to the order passed in W.P.(C) 303/2007, the Nodal Officer was bound to confine himself to the earlier understanding of the guidelines, or was required to apply the principles subsequently clarified by the Division Bench in LPA No. 429/2007;
- (ii) whether the insistence upon separate assessment of compensation in the Award for the land underneath the super-structure constitutes an incorrect application of the governing legal framework; and
- (iii) whether the factual findings recorded in the impugned order suffer from perversity, manifest error, or patent disregard of the primary record so as to warrant interference in writ jurisdiction.

Analysis

19. The Petitioners' argument, in substance, proceeds on the footing that the order passed in W.P.(C) 303/2007 conclusively determined their entitlement and left no scope for further scrutiny of the underlying record. That submission cannot be accepted. The earlier order did not declare an absolute right to an individual allotment; it directed the Nodal Officer to undertake the exercise of computation in accordance with the governing guidelines. Such a computation necessarily presupposes satisfaction of the eligibility conditions under the scheme as judicially interpreted. The direction to compute did not dispense with, or override, the requirement that the claimant satisfy the documentary criteria governing individual entitlement.

20. The decision of the Division Bench in *Airport Authority of India* (LPA No. 429/2007) is pivotal. The Division Bench was concerned with the



precise difficulty that arises where multiple members of the same family claim individual alternative plots on the basis of separate super-structures raised upon land recorded in the name of a common predecessor. In order to prevent duplication of benefit against the same acquired holding and to ensure uniformity in application of the scheme, the Court clarified that a mere separate mention in the Survey Report or Naksha Muntazamin would not suffice. Entitlement to an individual alternative plot would arise only where there was corresponding and separate assessment of compensation in the Award for the land underneath the super-structure. This requirement is not an administrative embellishment introduced by the Nodal Officer; it flows directly from the binding interpretation of the scheme by the Division Bench.

21. The affidavit filed on behalf of AAI further explains the administrative context in which the Division Bench treated the Award as the decisive checkpoint. It is stated that, in village Nangal Dewat, compensation for land was consolidated and disbursed to the person recorded in the revenue entries, whereas certain individuals were assessed separately only in respect of super-structures. The affidavit also asserts that if the Petitioners' predecessor had been recognised as holding land in the old Lal Dora in his own right, a corresponding reflection would ordinarily be found in the extended abadi revenue records. However, according to the Respondents, those records consistently reflect the name of Surta S/o Siria and not that of Jeet Singh. This explanation underscores the rationale for the Division Bench's insistence upon separate assessment of land compensation in the Award: it operates as an objective documentary safeguard to distinguish between mere structure assessment and independent land entitlement.



22. Once the governing framework clarified by the Division Bench is kept in view, the focus of the inquiry becomes narrow and documentary. The question is not whether a separate structure existed, whether electricity stood in an individual's name, or whether family members were in separate occupation. The determinative issue is whether the contemporaneous acquisition record recognises, for compensation purposes, the land beneath the asserted super-structure as a separately assessable unit in the claimant's name.

23. However, it is not even the Petitioners' case that separate land compensation was awarded in the name of Jeet Singh. Their submission rests primarily on the alleged appearance of the predecessor's name in the Survey Report and Naksha Muntazamin, an assertion which is itself disputed in the additional affidavit filed by Respondent No. 2 on the ground of mistranslation and misidentification. Even assuming that the survey-related entry is correctly read in the Petitioners' favour, no separate assessment of land compensation in the Award in the name of Jeet Singh has been demonstrated from the record. In terms of the binding formulation of the Division Bench, that deficiency is fatal to the claim for an individual alternative plot.

24. The Petitioners' reliance on mutation entries effected after the death of Surta does not cure the deficiency. The rehabilitation entitlement in question is not a general incident of succession; it arises under a structured scheme anchored to the contemporaneous acquisition record. Subsequent mutations may regulate *inter se* civil rights among heirs, but they do not displace the eligibility markers fixed at the time of acquisition, particularly the requirement of separate assessment of land compensation in the Award.



25. The affidavit filed on behalf of AAI further states that no ownership or partition document has been produced in the name of the Petitioners or their predecessor, and that the land continues to stand in the name of the grandfather. Whether or not separate super-structures were raised by other family members, the absence of separate land recognition in the acquisition record is precisely the situation for which the Division Bench clarified that structure assessment alone cannot ground an individual allotment.

26. The Petitioners also rely upon submission recorded in the earlier round of proceedings that the predecessor's name appeared in the Naksha Muntazamin. Even assuming such a submission was made, the entitlement under the scheme must ultimately be tested against the primary acquisition record. The decisive inquiry is what the Survey Report, Naksha Muntazamin and the Award, read together, demonstrate regarding separate assessment of compensation for the land beneath the asserted super-structure. The material placed before this Court does not disclose any clear and independent assessment of land compensation in the name of the Petitioners or their predecessor.

27. There is also another impediment recorded in the impugned order. The order notes that the claimants did not hand over vacant physical possession of the earlier allotted plot, and that they expressed inability to do so. The Division Bench framework contemplates surrender of the jointly allotted plot before any reconfiguration into individual plots, since individual allotment necessarily reduces the area notionally attributable to the joint allotment and prevents double benefit. The Petitioners have not placed material to show compliance, or to establish that the Nodal Officer recorded this aspect on an incorrect factual basis. In any event, the relief



sought would necessarily entail reconfiguration of the earlier allotment. The scheme does not contemplate such reconfiguration except on strict satisfaction of eligibility conditions and compliance requirements.

Conclusion

28. In that view, the essential eligibility condition for an individual alternative plot is not shown to be satisfied. For the reasons set out above, no ground is made out to interfere with the impugned order. The writ petition is dismissed. Pending applications, if any, also stand disposed of.

SANJEEV NARULA, J

JANUARY 27, 2026

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