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

+ **W.P.(C) 2697/2014 & CM APPL. 37299/2025**

ANJU NAGI AND ORS

....Petitioners

Through: Mr. I.S. Dahiya, Mr. Ujjwal Sharma,
Advs.

versus

DELHI DEVELOPMENT AUTHORITY AND ANR.....Respondents

Through: Mr. Rushab Aggarwal, Counsel for
DDA with Mrs. Riddhima Aggarwal, Mr. Japnish
Singh Bhatia, Advs.

Mr. Sanjay Kumar Pathak, SC with Mrs. K.K.
Kiran Pathak, Mr. Sunil Kumar Jha, Mr Mohd
Sueb Akhtar, Mrs. Joohu Kumari, Advs. for R2

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

09.01.2026

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1. This is a writ petition filed under Article 226 of the Constitution of India, in the year 2014 originally seeking the following prayers:

“In view of the facts and circumstances, stated hereinabove and in the interest of justice, it is most humbly and respectfully prayed that this Hon'ble Court may graciously be pleased to issue appropriate writ, order or direction in the nature of mandamus, thereby directing the respondent to allot the alternative plot as per recommendation of Land Acquisition Collector (District Central) firstly vide letter No. LAC/DC/C/Allot/02 dated 09.10.2002, thereafter vide another letter No. Ref.134 dated 07.05.2003 & final recommendation was made vide letter No. F.



36(184)/Cord./Div. Comm./2007/893 dated 01.04.2011 to the respondent, at the earliest and also issue the writ of certiorari to call the record of the respondent to issue appropriate writ/direction.”

2. Mr. Dahiya, learned counsel for the petitioners states that they are the Project Affected Persons as the property of their common ancestor/predecessor-in-interest, Sh. Ashok Kumar Nagi bearing No. 290-296, situated in the New Amar Cinema, Ajmeri Gate, Delhi was entirely acquired by the government, in pursuance of notification No. F-35/L&B/LA/4/1320 dated 07.12.1999 issued under Section 4 of the Land Acquisition Act, 1894. Subsequently, the aforesaid property was acquired *vide* Award bearing No.2/2001-2002 dated on 11.03.2002. Being aggrieved by the aforesaid acquisition, Sh. Ashok Nagi challenged the acquisition through a writ petition. The said writ petition was disposed of with directions to the respondent to decide the petitioner’s representation.

3. The Land & Building Department, Government of NCT, Delhi made a policy for rehabilitation of Project Affected Persons, the operative portion of the policy reads as under:

“LAND AND BUILDING DEPARTMENT

GOVT. OF NCT OF DELHI

VIKAS BHAWAN, NEW DELHI

**RELOCATION & REHABILITATION POLICY IN
RESPECT OF PROJECT AFFECTED PERSONS OF
ALL CATEGORIES DUE TO IMPLEMENTATION OF
DELHI MRTS PROJECTS**



(c) In case of shops, the persons doing business, whether he is the owner of land or the tenant, will be eligible.

(d) In case of premises being used as residential units the rehabilitation will take place only in case of owner residing there. The tenants will not be eligible under the scheme.

(e) The treatment in respect of workshops/industrial units would be the same as those of industrial shops indicated above.”

4. Under the aforesaid policy, the petitioner made several representations for allotment of alternate plot/site, and in compliance of the directions of the this Court in the W.P.(C) 1689/2001, initially filed, the Land Acquisition Collector (“**LAC**”) *vide* order dated 22.07.2002 recommended allotment of a shop to the petitioner. Thereafter the petitioner made several representations for the allocation but to no avail. The petitioner consequently filed contempt petition alleging contempt of the binding directions of this court *vide* order dated 22.07.2002. Accordingly in response to the notice of contempt case, the LAC and the Land and Building Department, furnished a letter dated 01.04.2011 and a list of persons found eligible and entitled for allotment of alternative site for relocation. The name of Sh. Ashok Kumar Nagi was present in the said list and the same was communicated to the respondent No. 1, namely Delhi Development Authority (“**DDA**”) for further procedure.

5. Since, the petitioner was not granted the alternative Shop, the present petition was filed. In accordance with the recommendations of the Committee dated 14.02.2011, the petitioner was recommended for only a Shop. Subsequently, the petitioner amended his writ petition to also seek



allotment of a MIG flat in terms of the relocation and rehabilitation policy stating that acquired property is both residential and commercial.

6. The petitioner later sought amendment in the nomenclature of the petition and prayer for seeking additional relief, thereby amending the prayer of the writ petition as under:

“a) An appropriate writ, order or direction in nature of mandamus, thereby directing the respondent no 2 (i.e. LAC, Central District) to make recommendation in favour of the petitioners for allotment of alternative plots/sites of commercial use and flat for residential use as per policy/guidelines on the Relocation and Rehabilitation of the Project Affected Persons of MRTS Project and also direct it to provide the complete details as to nature of use, its area etc. of the acquired property of the petitioners bearing no 290-296, Ajmeri Gate, Delhi to the respondent no 1 (i.e. DDA) or any other detail as may be necessary for Respondent No 1. (i.e. DDA) for making allotment of the alternative plots/sites/flat in favour of the petitioners.

b) An appropriate writ, order or direction in nature of mandamus thereby directing the respondent no. 1 (i.e. DDA) to make allotment of the alternative plots/sites/flat in favour of the petitioners as per policy/guidelines on the Relocation and Rehabilitation of the Project Affected Persons of MRTS Project, within time bound as the petitioners are victims since 1998 and have not got their legal entitlement despite of lapse of more than two



decades.”

7. In view of the above, as regards the first original prayer for allotment of shop is concerned, since the same has crystallized based on the acceptance of the recommendations of the LAC by the Committee, the respondent No. 1 shall allot a shop in terms of the policy to the petitioner expeditiously and in any case, not later than 6 weeks from today subject to complying with the requisite statutory formalities.

8. As regards the other part of the prayer seeking allotment of a MIG flat is concerned, I am not inclined to entertain the prayer, for the reason that there is no document on record to show that the petitioners were residing in the aforesaid portions of the acquired property. Additionally, the petitioner itself filed the writ petition seeking enforcement of the recommendation of the LAC for allotment of the shop. The petitioner at no point in prior time sought allotment of a MIG flat and hence, to my mind, the prayer for the allotment of a MIG flat seems to be an after-thought.

9. In case the petitioner is entitled to allotment of a MIG flat, the petitioner is at liberty to file appropriate writ petition with supporting documents which shall be adjudicated on its own merits in accordance with law.

10. For the said reasons and with the aforesaid directions, the petition is disposed of.

JASMEET SINGH, J

JANUARY 9, 2026/AS