



\$~16 & 17

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

+ **W.P.(C) 2997/2017 & CM APPLs. 13124/2017, 21686/2024, 21695/2024**

ISHWAR SINGH

.....Petitioner

Through: Mr. Dharambir Singh, AR with
Petitioner (in-Person).

versus

THE NODAL OFFICER / ADM (NEW DELHI) & ORS

.....Respondents

Through: Mr. Sanjay Kumar Pathak, SC with
Mrs. K.K. Kiran Pathak, Mr. Sunil
Kumar Jha, Mr. M.S. Akhtar and Ms.
Joohu Kumari, Advocates for R-1.
Ms. Anjana Gosain and Ms. Shreya
Manjaria, Advocates for R-2.
Mr. Digvijay Rai, SC with Mr. Archit
Mishra, Advocate for AAI with Mr.
Y.S. Chaudhary, Law Officer.
Mr. Arjun Pant, Advocate for DDA.

+ **W.P.(C) 3015/2017 & CM APPLs. 13194/2017, 21688/2024, 21725/2024**

RAN SINGH

.....Petitioner

Through: Mr. Dharambir Singh, AR with
Petitioner (in-Person).

versus

NADAL OFFICER / ADM (NEW DELHI) & ORS

.....Respondents

Through: Mr. Sanjay Kumar Pathak, SC with
Mrs. K.K. Kiran Pathak, Mr. Sunil
Kumar Jha, Mr. M.S. Akhtar and Ms.
Joohu Kumari, Advocates for R-1.
Ms. Anjana Gosain and Ms. Shreya



Manjaria, Advocates for R-2.
Mr. Digvijay Rai, SC with Mr. Archit
Mishra, Advocate for AAI with Mr.
Y.S. Chaudhary, Law Officer.
Mr. Arjun Pant, Advocate for DDA.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

%

26.02.2026

1. These two writ petitions arise from the same acquisition, turn on the same rehabilitation scheme, and challenge the same administrative decisions. The record also shows substantial overlap in the submissions. They are both, therefore, being disposed of by way of a common order.

Facts and Procedural Background

2. On 28th April, 1972, a notification under Section 4 of the Land Acquisition Act, 1894 was issued proposing acquisition of abadi land of Village Nangal Dewat for the public purpose of expansion and development of the IGI Airport. A declaration under Section 6 followed on 28th August, 1979. The Land Acquisition Collector made Award No. 16/86-87 on 14th August, 1986, determining the area under the acquisition as 263 bighas and 5 biswas.

3. Village Nangal Dewat comprised the old abadi (popularly referred to as “Lal Dora”) and an extended abadi. The old abadi did not have the usual revenue record. The extended abadi did. In that setting, a survey was carried out in 1972 to identify land and structures in the old abadi and structures in the extended abadi.

4. Residents challenged the execution of the acquisition proceedings by way of W.P.(C) 481/1982. On 18th September, 1986, the implementation of the award was stayed for three months, with the Court expecting



governmental decision-making on resettlement.

5. When the matter came up on 2nd August, 2001, a statement was made on behalf of Respondent No. 3/Airports Authority of India¹ that persons whose names appeared in the award would be allotted alternative land, and categorisation of plots would be carried out on that basis. The challenge to acquisition was, in consequence, given up and the writ petition was dismissed. A review petition [R.P.9312/2001] was thereafter filed against this order.

6. Thereafter, representations were made at the level of the Lieutenant Governor seeking modification of plot categorisation, on the footing that village residents lived as joint families and required larger plots.

7. As the process progressed, the Court noticed that several landowners had died and that mutation applications by legal heirs were pending. On 29th October, 2003, directions were issued for expeditious decision of mutation applications, and for inclusion of such names in the draw of lots, while deferring actual allotment until mutation disputes were resolved.

8. On 28th April, 2004, the Court appointed a Nodal Officer to coordinate the rehabilitation exercise and to prepare the list of eligible candidates after considering objections. The order also contemplated that if the issue concerned eligibility of a category, the list would be prepared and the category issue would be placed for consideration.

9. Thereafter, lists were prepared and subsequently revised. In the consolidated list that ultimately formed the basis of allotments, three separate plots were allotted to Bhiku S/o Meda, Rizak Ram S/o Bhiku and Munshi S/o Balle Ram S/o Bhiku at Serial Nos. 89, 91 and 92, respectively.

¹ “AAI”



These allotments were later merged by order of the Nodal Officer dated 25th January, 2005. The Petitioner, Ishwar Singh S/o Sukhan S/o Bhiku, is aggrieved thereby and has assailed the same in W.P.(C) 2997/2017. Similarly, the names of the five sons of Ramji Lal, namely Lekhram, Bhagwana, Puran, Harnath and Ratan Lal, were reflected collectively at Serial No. 94, and a joint alternative plot was proposed on the basis of the aggregate entry. Ran Singh S/o Lekh Ram is aggrieved by the said action and challenges the same in W.P.(C) 3015/2017.

10. During the same period, another controversy arose relating to land recorded not in the name of identified individuals but in the name of communities. On 16th December, 2004, the explanation placed before this Court in R.P. 9312/2001 was that the record did not permit identification of individuals where allotment was to a community and not to named persons. The Court observed that, in terms of the total community land shown, the community would be entitled to plots as a group, and the manner of internal distribution would be for the community to resolve.

11. The review petition ultimately came to be dismissed on 18th May, 2005, with the Court recording, in substance, that no enforceable right to an alternative plot existed *dehors* the scheme as framed.

12. On 4th January, 2007, in W.P.(C) 18324/2006 filed by one Surat Singh, the Court declined to interfere with the criterion followed by the Nodal Officer, stipulating that landholdings reflected in the 1972 survey would be merged and a single plot allotted, even where different family members were shown separately. The appeal against the said decision [LPA 112/2007] was dismissed on 10th January, 2013.

13. During the pendency of another petition filed by, *inter alia*, the



Harijan and Backward Jan Kalyan Samiti, the Ministry of Civil Aviation considered further measures for backward communities in occupation of community land. A committee process followed. A list of 122 persons prepared in the year 1958, reflecting allotment of independent plots in their respective individual names, was treated as the outer limit. Thereafter, a further survey was conducted between June and July, 2007 to verify possession over the community land. The committee recommended eligibility for persons meeting the twin requirements of linkage to the 1958 list and possession at verification.

14. As per the Committee's report dated 17th July, 2007, and in terms of the criteria stipulated by AAI on 24th December, 2002, consolidated alternative plots admeasuring 450 sq. metres each were allotted in favour of the legal representatives of Bhiku and of Ramji Lal.

15. Challenges to the criteria and policy were litigated. The Single Judge dismissed the challenge on 18th March, 2008. The Division Bench dismissed connected appeals on 16th April, 2013.

16. Against this background, an order was passed on 12th March, 2013 by ADM/LA (South-West), allotting individual plot in favour of the Petitioners. AAI assailed that order in W.P.(C) 4200/2013 and 4280/2013. By a common order dated 13th July, 2016, the Court held that the matter should be decided by the ADM appointed as Nodal Officer, New Delhi, within three months, on merits and uninfluenced by observations in the disposal order.

17. Pursuant to that direction, the Nodal Officer passed separate impugned orders, both dated 4th January, 2017 rejecting the claims for separate individual alternative plots on similar grounds. The present writ petitions challenge those decisions.



Petitioners' Submissions

18. The submissions advanced by Mr. Dharambir Singh, the authorised representative on behalf of all the Petitioners, are summarised as follows:

18.1. The impugned orders dated 4th January, 2017 defeat the rehabilitation scheme settled by this Court. The Petitioners do not seek a second plot, but recognition of their fathers' (Late Lekhram's and Sukhan's) independent entitlement, to be computed on the basis of their separate holding and eligibility. The rehabilitation benefit, though not a statutory right arising from acquisition, became enforceable once the scheme was framed, approved, and administered. The Nodal Officer was bound to apply the scheme and not to dilute it by importing conditions not contemplated by the scheme.

18.2. The names of Late Lekhram and Sukhan were separately recorded in the source documents and they were treated as eligible persons in the rehabilitation exercise. However, the Nodal Officer treated them as forming part of a joint unit with the other legal representatives and made a consolidated allotment of 450 sq. metre plots each. According to the Petitioners, this amounts to a misapplication of the scheme, which does not allow clubbing of separately eligible persons into a single allotment merely on the ground of familial relationship.

18.3. Under the correct application of the scheme, Late Lekhram ought to have been allotted an individual plot of 160 sq. metres, based on the clubbing of his holdings in the old abadi and community land. Similarly, Late Sukhan would be entitled to a separate allotment of 250 sq. metres.

18.4. The scheme provided two-fold gateway for eligibility, coupled with a clubbing rule for plot size. The eligibility is established where the claimant's



name appears either in the survey report (old abadi) or in the *jamabandi* as on 28th April, 1972, and also appears in the *naksha muntazamin*. Where a claimant's name appears at more than one place, either in an individual capacity or as a legal heir, the total holding is to be clubbed for determining the plot size

18.5. The Petitioners contend that Late Lekhram and Late Sukhan satisfy the eligibility criteria under two independent streams recognised by the rehabilitation framework. They assert that their names appear in the 1972 survey relating to old abadi with quantified holdings as well as in the award and the *naksha muntazamin*.

18.6. The Petitioners also claim eligibility on the community land side. They rely upon (i) inclusion of Late Lekhram and Late Sukhan or their lineage in the 1958 consolidation list of 122 persons, and (ii) possession during the physical verification exercise conducted in June to July 2007. They contend that once such eligibility is recognised, the scheme requires clubbing of holdings only for computing plot size; however, the Respondents have instead used clubbing to merge distinct eligible persons and subsume their entitlement within an earlier joint allotment.

18.7. The Petitioners dispute the Respondents' insistence on mutation for old abadi, contending that in Lal Dora areas possession is treated as ownership. As old abadi lands lack regular revenue entries, requiring mutation is impractical and contrary to the scheme, which accords the survey report parity with the *jamabandi*.

18.8. Reliance is placed on an order dated 30th May, 2007 passed by this Court in *AAI v. Karan Singh*,² to contend that the role of the Nodal Officer

² CM(M) 249/2007, (2007) 141 DLT 277.



is confined to applying the criteria approved by the Court and that he cannot introduce fresh standards under the guise of implementation. According to the Petitioners, the impugned order does precisely that by imposing a mutation requirement despite separate mention in the source documents, and by treating distinct eligible persons as joint allottees merely because their names appear together in a consolidated list.

18.9. They further rely on the reasoning of the Division Bench in ***Bhoop Singh versus DDA & Ors.***,³ which, on their reading, recognises that in old abadi, possession is treated as equivalent to ownership and that the scheme does not sanction a preference for extended abadi merely because conventional revenue records exist there.

18.10. The Petitioners term the impugned order perverse on three grounds: (i) it proceeds on the incorrect premise that mutation was not effected and hence a separate plot could not be granted; (ii) it misconstrues the decision dated 4th January, 2007, in W.P.(C) 18324/2006, as mandating joint allotment of family members shown separately, though it only contemplates clubbing of landholdings for plot size; and (iii) the reliance on absence of separate compensation for the superstructure is misplaced and cannot defeat a claim where separate holding and distinct entries in the award and apportionment are shown, particularly when earlier corrections and administrative practice have recognised separate names as sufficient for separate allotments.

18.11. The Petitioners allege discriminatory treatment, contending that other co-sharers reflected in the acquisition and apportionment record were granted separate plots, whereas they alone have been subjected to a joint

³ LPA 260/2008.



allotment.

18.12. They further allege that the Respondents, including the Nodal Officer and AAI, have made incorrect statements in their counter affidavits regarding mutation, the basis of clubbing, and compliance with the scheme, and submit that such explanations ought not to be accepted in the face of contrary source records and prior administrative corrections.

18.13. It is accordingly prayed that the impugned orders be set aside and Late Lekhram and Late Sukhan be treated as individual eligible allottees, with their old abadi and community land holdings clubbed only for determining plot size, and separate allotments issued in accordance with their entitlement.

Submissions on behalf of AAI and the Respondents

19. AAI submits that the impugned order applies the settled framework and does not depart from the scheme. Their contentions are summarised as follows:

19.1. It is urged that the Petitioners are seeking, in substance, a reworking of the 308 list and the earlier joint allotment entry. According to AAI, the relevant record position as on 28th April, 1972 showed the land in the name of the ancestor, and mutation in favour of the Petitioner's predecessor was not reflected in the revenue record on the cut-off date. Therefore, the joint allotment to the legal heirs of the recorded holder was consistent with the scheme and the long line of orders.

19.2. It is further submitted that, in any event, the impugned order draws support from judicial directions to the effect that mere appearance of a name in the survey report and *naksha muntazamin* does not entitle a person to an individual alternative plot if that person was not awarded separate



compensation for the land underneath the superstructure. AAI contends that Late Sukhan and Late Lekhram were not given separate compensation for the land beneath the structure in the award and hence could not claim a separate alternative plot on that basis.

19.3. AAI denies discrimination. It is submitted that the Petitioners have not placed a true comparable instance where a person without separate compensation for land beneath the structure, and without the cut-off record being in that person's name, has nonetheless been allotted a separate plot.

19.4. It is also urged that the Nodal Officer could not have entertained a fresh representation as a review, and that the petition is an attempt to reopen issues that have attained finality through multiple rounds of litigation.

19.4. AAI also points out that the joint plot admeasuring 450 sq. metres has not merely been allotted on paper, but possession has been offered. This, according to AAI, demonstrates that the Petitioners have received the benefit flowing from the clubbed entitlement and cannot now seek to recast that clubbed entitlement into a separate individual allotment.

Analysis and Findings

20. The Court has considered the submissions advanced by both sides. The dispute herein is not about the legality of acquisition. It is about rehabilitation. An allotment of alternative land in this matter is not a statutory sequel to acquisition. It is a scheme-based benefit which evolved through judicial supervision, committee recommendations, and administrative implementation over decades. That history fixes the boundaries of enforceable entitlement. A claimant succeeds only by showing that the scheme, as settled and applied, confers a right to the relief sought.

21. The scheme is anchored to an organising discipline. The cut-off date



is 28th April, 1972. Eligibility and the size of the alternative plot are tested by reference to the position as on that date, using the recognised source documents. The scheme also guards against duplicity. Holdings may be clubbed for determining plot size, but the scheme does not permit outcomes which result in more than one plot being traced to the same holding or to the same entitlement stream.

22. The Petitioners are correct in pointing out that the Nodal Officer cannot devise fresh criteria. That principle, explained in **Karan Singh** confines the Nodal Officer to applying the framework already approved. However, that limitation does not mean that every separate appearance of a name in the survey report or in the *naksha muntazamin* automatically yields a separate individual plot. The scheme still requires identification of the “eligible unit” and, where necessary, the decision-maker must reconcile occupation related entries with the award and apportionment record to determine whether the claimant was treated as a separate landholding unit for rehabilitation purposes.

23. AAI’s explanation regarding the 1972 survey illuminates why this reconciliation is necessary. The survey was undertaken to facilitate apportionment of compensation for land and structures in the old abadi and, in the extended abadi, essentially for structures since revenue records existed for land. The survey, therefore, performs a descriptive and administrative role. It is an input and not a final declaration of separate landholding status for allotment. That is also why the *naksha muntazamin* and the award remain decisive indicators when the claim is pitched as a demand for a separate plot.

24. This fits with the judicial direction relied upon by AAI and applied in



the impugned orders. The thrust of that direction is that a separate mention of a name in the survey report and *naksha muntazamin* cannot, by itself, compel allotment of an individual plot if the claimant was not awarded separate compensation for the land beneath the superstructure. The scheme thereby draws a workable distinction between occupation of a structure and recognition as a separate landholding unit for allotment purposes. It prevents the rehabilitation exercise from fragmenting into multiple independent claims founded only on occupation entries.

25. Once this principle is applied, the Petitioners' case must answer a narrow question. Do the source documents, read with the award and apportionment, compel the conclusion that Late Lekhram or, as the case may be, Late Sukhan, was treated as a separate landholding unit so as to warrant a separate alternative plot. The impugned orders answer this against the Petitioners by holding, *inter alia*, as follows:

In the case of Ishwar Singh, Petitioner in W.P.(C) 2997/2017:

"As per list of 316 persons prepared in the year 2004 at Sr. No. 89, Bhiku S/o Meda was found in possession of 339.89 sq. yards equivalent to 284.12 sq. Mtr, a joint plot was allotted in the name of Bhiku S/o Meda as his name was mentioned in the revenue records against Khasra No. 1236, for the land measuring 1008 sq. yards situated in Extended lal dora of village Nangal Dewat. Also the LR's of Bhiku were given entitlement in the list of 316 persons at Sr. No.91 and 92 for the total land measuring 157 sq. yards or 131.28 sq. Mtr. Therefore, a total land measuring 496.89 sq. yards (339.89 +157) or 415.37 sq. Mtr. is found in possession of the LR's of Sh. Bhiku. In lieu of this land i.e. 415.37 Sq. Mtr. and alternative plot measuring 350 sq. Mtr was allotted in the names of Bhiku S/o Meda. The name of Bhiku S/o Meda is mentioned at Sr. No. 89 in the list of 308 persons submitted by the then Nodal Officer before the Hon'ble High Court on 25.01.2005.

Further, LR's of Sh. Bhiku i.e. Sukhan, Balle Ram, Deepa and Rizak Ram have individual allotment in community land against Khasra No. 1235/2 and 1241. In the list of 122 persons from Sr. No. 29 to 32. The verification team found 202 sq. yards in possession of two LR's of Bhiku i.e. Sukhan and Balle Ram and the other two LR's



of Bhiku i.e. Deepa and Rizak Ram were not found in possession of the community land. Therefore, as per criteria adopted by the committee the holding of old abadi i.e. 308 list allotment and holding of community land clubbed together i.e. $202+496.8=698.8$ sq. yards or 584.28 sq. Mtr. Accordingly, as per categorization list as mentioned above, the applicant case falls in the category mentioned at Sr. No. 10, therefore, a joint plot measuring 450 sq. Mtr. was recommended in the name of LR's of Bhiku.

That as per the list of eligible person LR's of Sukhan S/o Bhiku, Balle Ram S/o Bhiku jointly were found entitled to a plot against their holdings in the community land and as per the order dated 31.05.2007, their holdings were clubbed with the holdings of Bhiku S/o Meda, who had earlier allotted a joint plot 350 sq. Mtr. in the list of 308 persons. It is clear from the guidelines that no two person can be allotted alternative plot twice, therefore, the holding of community land of both i.e. LR's of Sh. Sukhan and Balle Ram were clubbed with the plot already allotted (350 sq. Mtr.) in the name of Bhiku S/o Meda and a larger size of plot measuring 450 sq. Meters was allotted in lieu of the total holdings of the LR's of Bhiku S/o Meda, Sukhan S/o Bhiku, Balle Ram S/o Bhiku i.e. 698.8 sq. yards/584.28 sq. Mtr. Hence in view of the order dated 31.05.2007 and 17.07.2007, the committee rightly clubbed the land holding of the claimant and jointly allotted a plot in favour of LR's of Bhiku S/o Meda, Sukhan S/o Bhiku, Balle Ram S/o Bhiku jointly.

It is clear from the above mentioned fact that allotment in lieu of Lal Dora land and extended Lal Dora land (496.8 sq. yards) has already been made in the year 2004 in favour of LR's of Bhiku and further allotment in the lieu of 202 sq. yards in lieu of community land was made in the year 2007 was clubbed with the earlier allotment in the year 2004-05 and a joint plot measuring 450 sq. Mtr. was allotted in the name of LR's of Bhiku S/o Meda, Sukhan S/o Bhiku, Balle Ram S/o Bhiku. The details of joint allotment is also given at Sr. No. 29 of Annexure-A, prepared by the then Nodal Officer for recommendation in respect of community land for allotment of alternative plots in village Nangal Dewat.

In this case as per policy/guidelines framed by the committee in its report dated 17.07.2007, which read as under:

"It was also noticed that in many cases, the previous nodal officer has recommended plots in joint names. The committee was of the view that in all cases where the allotment has been made either in individual capacity or in joint names the land holding of the person/persons should be clubbed. Therefore, if a plot has already been allotted in individual capacity or in joint capacity then the land



of the claimant should be added at the respective place.”

In this case, the later allotment shall be clubbed in earlier allotment and a joint allotment is made. The same has been done in this case, as later allotment in lieu of community land is clubbed with earlier allotment made in lieu of old lal dora land i.e. $496.8+202=698.8$ sq. yards and the same has been allotted in favour of LR's of Sh. Bhiku.

Therefore, claimant request for clubbing of old lal dora land and extended lal dora in community land does not make any sense as the same is against the policy/guidelines framed by the committee for allotment of alternative plot and the same is liable to be rejected.

13. Now I come to the guidelines framed by the Hon'ble High Court on 18.05.2005. Guidelines No. 3 clearly states that:

“If a person died intestate after 28.04.1972, the legal heirs will be jointly entitled for allotment of a plot only. However where one or more of the legal heirs have their own separate holding of a plot then the proportionate share in the persons plot shall be added to his their own holding for determining categorization and size of plot to be allotted”.

14. The case of the claimant is that Bhiku S/o Meda died in the year 1961, it is further stated that mutation was not carried out in the records in the name of his legal heirs. It is noticed that the claimant has not produced any document in support of his claim that Bhiku S/o Meda was expired in the year 1961. The claimant has not enclosed death certificate or any other document which can establish that Bhiku S/o Meda was expired in the year 1961. It is pertinent to mention here that the claimant is not aware about the exact date of death of Sh. Bhiku S/o Meda and only upon his speculations; claimant comes to the conclusion that Bhiku died in the year 1961 i.e. much before 28.04.1972. Further, consolidation process was carried out in the year 1953-54 in village Nangal Dewat and as a result of which extended lal dora plots were allotted to Sh. Bhiku S/o Meda. Even if it is presumed that Bhiku died in the year 1961, claimant failed to explain the reason for not carrying out the mutation in revenue records against the plot allotted to his forefather i.e. Bhiku S/o Meda. It is also supplemented that claimant has not produced any Will executed by Bhiku S/o meda before this office with respect to his holding in village Nangal Dewat. Hence as per the guidelines dated 18.05.2005, the claimant is not entitled to a separate piece of plot. It is clear from perusal of record that land in extended lal dora was still recorded in the name of Bhiku S/o Meda in Khasra No. 1236. LR's of Bhiku failed to mutate the land in their favour after death of their father. The claimant also failed to mutate



the land even after passing of direction in this regard from the Hon'ble High Court in this regard. In view of the above, claimant request for the allotment of individual alternative plot is liable to be rejected.

15. The Hon'ble High Court in its judgment dated 04.01.2007 in W.P. (C) No. 18324 of 2006 has held that:

“The Nodal Officer has considered this aspect that if the legal heirs of those persons who died intestate after 28.04.1972 and in case their names were not mutated separately, would also be entitled for joint allotment of an alternative plot. No fault can be found with the inference of the Nodal Officer that the benefit of mutation carried out on 13.08.2004, be not extended at such a belated stage after the decision of writ petition No. 481 of 1982 dated 18.05.2005, as the cut off date of 28.04.1972 had to be kept in mind considering the eligibility and entitlement. The alternative plots have to be allotted on the basis of entry in the revenue record of the land in the old abadi after being merged and, therefore there is no such illegality or apparent mistake in the order of Nodal Officer in the facts and circumstances which is being challenged by the petitioner.”

Since after the death of Bhiku S/o Meda, mutation has not been carried out in the name of his Legal Heirs and the name of Bhiku S/o Meda was recorded in 1/10 share against the Khasra No. 1236, land measuring 01 Bigha, situated in village Nangal Dewat. It is well established and settled procedure that entries in revenue records were given priorities over any other entries for the sake that revenue records are updated and corrected on regular interval of time. Also revenue record gives more accuracy and gives more valuable data for the identification of the correct person for the allotment of alternative plots. In this case, name of Sh. Bhiku S/o Meda was mentioned in the revenue records and therefore, priority was given to the name mentioned in the revenue records and therefore, other holdings related to Sh. Bhiku S/o Meda was rightly clubbed with the holding/name mentioned in the revenue records. Therefore, joint allotment to the LR's of Bhiku S/o Meda is equitable and justified in the light of above said judgment.

16. On the issue of separate compensation in the award, it is appropriate to discuss the relevant para fo Hon'ble High Court order dted 19.02.2013 in LPA No. 429/2007, titled as Nirmala Devi & Ors. Versus AAI. Para 11 of the judgment read as under:

“We make it quite that if the name of a person appears separately in the survey report and Naksha Muntazamin but he has not been separate compensation in the award, in respect of the land underneath the super-structure raised by him, he shall not be entitled



to allotment of an individual alternative plot merely on the strength of his name appearing in the survey and Naksha Muntazamins.”

I have no hesitation in saying that claimant case falls in the same situation as his name appears in the survey report in Naksha Muntazamins but does not figure in the Award. The Claimant has not been given separate compensation in the award, in respect of the land underneath the super structure raised by him and hence the claimant is not entitled for a separate plot of land. However, claimant argued that Naksha Muntazamin is part and parcel of Award by the argument is not in consonance with the judgment dated 19.02.2013 given by the Hon'ble High Court. Therefore, the same cannot be accepted. It is further added that the above said judgment dated 19.02.2013 is double bench judgement and till date it has not been challenged. Therefore, as per para 11 of this judgment, the claimant is not entitled for allotment of individual plot in his name as his name does not figure in the Award in respect of the land underneath the super-structure raised by him.”

In the case of Ran Singh, Petitioner in W.P.(C) 3015/2017:

“12. As per the list of 316 persons submitted by Nodal Officer on 16.12.2004, Sh. Ramji Lal has five sons namely Lekhram, Bhagwana, Puran, Harnath and Rattan and all of them were found in possession of land measuring 189 sq. yards or 158.03 sq. mtr given at Sr. No. 96. Even in the list of 308 persons submitted by the Nodal Officer on 25.01.2005, all of them were found jointly in the possession of 158.03 sq. mtr of land and hence they were recommended a joint alternative plot measuring 160 sq. mtr given at Serial No. 94.

13. As per list of 308 persons, a joint plot measuring 160 sq. mtr. was allotted in the name of Lekhram, Bhagwana, Puran, Harnath and Rattan all sons of Ramji Lal jointly as they were found in possession of land measuring 189 sq. yards or 158.03 sq. mtr situated in old Lal Dora. In lieu of this land, an alternative plot measuring 160 sq. mtr was allotted jointly in the names of Lekhram, Bhagwana, Puran, Harnath and Rattan all sons of Sh. Ramji Lal. The same is mentioned at Sr. No 94 in the list of 308 persons submitted by the then Nodal Officer before the Hon'ble High Court on 16.12.2004 and 25.01.2005. All these LR's of Sh. Ramji Lal have individual allotment in community land against Khasra No. 1192/1 in the list of 122 persons from Sr. No. 101 to 105. The verification team found 596 sq. yards or 498.33 sq. mtr in possession of these LR's in these five plots. Therefore, as per criteria adopted by the committee the holding of old Abadi i.e. 308 list allotment and holding of community land clubbed together i.e. 189+596=785 sq. yards or 656.35 sq. mtr. Accordingly, as per categorization list, joint plot measuring 450 sq. mtr. was recommended in the name of LR's of



Ramji Lal.

That as per list of eligible person Harnath, Lekhram, Puran, Bhagwana and Rattan were found entitled to a plot against their holding in the community land as per the order dated 31.05.2007, their holdings were clubbed with the holdings of LR's of Ramji Lal and a larger size of plot measuring 450 sq. Meters was allotted to Harnath, Lekhram, Puran, Bhagwana and Rattan all sons of Late Ramji Lal against the total holding of 785 sq. yards or 656.35 sq. mtr. Hence in view of the order dated 31.05.2007 the Nodal Officer rightly clubbed the land holding of the claimant and jointly recommended a plot in favour of Harnath, Lekhram, Puran, Bhagwana and Rattan all sons of Late Ramji Lal. In short all the five sons of Ramji Lal were entitled to 1/5th share in plot measuring 450 sq. meters i.e. 90 sq. meters each.

It is clear from the above mentioned fact that allotment in lieu of Lal Dora land (189 sq. yards or 158.02 sq. mtr) has already been made in the year 2004 in favour of LR's of Ramji Lal and further allotment in the lieu of community land was made in the year 2007 (596 sq. yards or 498.33 sq. mtr). Therefore, in this case as per policy/guidelines framed by the committee in its report dated 17.07.2007, which read as under:-

xxx

xxx

xxx

As per above said guidelines, the later recommendation for alternative plot shall be clubbed in earlier recommendation and thereafter a single allotment of bigger size is made after clubbing both the holdings existed in Lal Dora and community land. The same has been done in this case, by merging or clubbing the holding of the claimants in Lal Dora land with the community land i.e. $189+596=785$ sq. yards or 656.36 sq. mtr. and a single plot of larger size measuring 450 sq. mtr. was recommended in the name of LR's of the Ramji Lal.

Therefore, claimant request for clubbing of old Lal Dora land in community land does not make any sense as the same is against the policy/guideline framed by the committee for allotment of alternative plot and the same is liable to be turned down.

14. Now I come to the judgment dated 19.02.2013 in LPA No. 429/2007. The Hon'ble High Court has observed that:

“ We make it quite clear that if the name of a person appears separately in the survey report and Naksha Muntazamin but he has not been given separate compensation in the award, in respect of the land underneath the super structure raised by him, he shall not be eligible to allotment of an individual alternative plot merely on the strength of his name appearing in the survey report and Naksha Muntazamin.”

15. As per criteria adopted by the Hon'ble High Court in above



mentioned case, it is also found that the claimant name is not mentioned separately/individually in the survey report at Sr. No. 1 of Khasra No. 1198 (Old Lal Dora) at page 32. The names are clubbed together with their respective holding and share i.e. ½ (Half) share is mentioned against Sh. Lekhram and ½ (half) share is mentioned against Sh. Puran, Harnath and Rattan all sons of Late Ramji Lal. Even the name of Sh. Bhagwana is not mentioned in the survey report against Khasra No. 1198 in old Abadi. Therefore, the claimants are not found eligible for individual alternative plot as the name of their father/forefather does not appeared separately against a piece of land measuring 189 sq. yards in Khasra No. 1198 situated in the old Abadi in village Nangal Dewat. Sh. Lekhram, Puran, Harnath and Rattan all of them were found in possession of single plot measuring 189 sq. yards or 158.02 sq. mtr. in the survey report, it is clear that they do not owned any individual holding but owned joint holding of size of 189 sq. yards or 158.02 sq. mtr. In lieu of their joint holding measuring 158.02 sq. mtr, a joint alternative plot of size 160 sq. mtr. was recommended in the name of LR's of Sh. Ramji Lal. Therefore, joint allotment of the LR's of Ramji Lal is equitable and justified in the light of above said judgment.

16. *The claimants have not been given separate compensation in the award, in respect of the land underneath the super structure raised by them and hence as per order dated 19.02.2013, the claimants are not entitled for a separate alternative plot. Even the compensation for the structure is not assessed separately in the award and Naksha Muntazamin for the structures. Claimants names have appeared in the Naksha Muntazamin, against the compensation of land measuring 189 sq. yards but that too is not in individual capacity. Therefore, merely appearing some names jointly and some names separately in the survey report, Naksha Muntazamin and Award does not qualify the claimant for the allotment of individual alternative plot and hence the claim of the claimants is liable to be rejected."*

26. Writ review does not permit recasting that conclusion unless it is shown to be plainly perverse or reached by ignoring decisive material. Even on merits, the Petitioners' case for allotment of individual plots is not made out. The Petitioners rely on the proposition that possession in "Lal Dora" is equivalent to ownership and that mutation is not applicable. Even if possession carries weight in village practice, the scheme did not adopt an open-ended notion of ownership. It adopted an administrable, record-based



approach which uses the survey as a substitute where revenue entries are absent, but still tests separate allotment claims against the acquisition compensation framework to avoid duplication and inconsistency. This is not a title adjudication. It is distribution of a finite benefit under a scheme. The Court cannot substitute a different model of entitlement while examining the legality of the Nodal Officer's decision.

27. The community land policy, and the 2007 survey exercise, were introduced to address a different problem. Lands recorded in the name of communities required a distinct verification method. The committees and later orders prescribed twin requirements and treated the 1958 list of 122 persons as the outer limit. However, even while opening this window, the same no-duplication discipline remained central. If a person already featured in the earlier allotment list, the task was to rework the plot categorisation by accounting for the community land component, not to allot a second plot.

28. That is the point where the Petitioners' demand for a separate plot runs into difficulty. AAI's consistent position is that the committee found the Petitioners eligible for community land, and that eligibility was implemented by clubbing the community land holding with the existing landholding unit already recognised in the list of 308 persons. 29. The counter affidavits supply the basis for the computation of the area. For instance, Ishwar Singh was found eligible for 101 sq. yards of community land. Another legal heir of Bhikhu was also found eligible for 101 sq. yards. The total holding attached to the already recognised allotment unit rose materially, and the alternative plot size correspondingly rose from 350 sq. metres to 450 sq. metres. Likewise, in the case of Ran Singh s/o Lekh Ram, all the legal representatives of Ramji Lal, including Late Lekh Ram, were



found eligible in respect of community land and in possession thereof. In light of their clubbed holdings aggregating 656.35 sq. metres, and in terms of the criteria stipulated by AAI, they were allotted of a plot measuring 450 sq. metres. This demonstrates that the scheme benefit arising from community land eligibility was not denied. It was accounted for in the manner the scheme contemplates, namely by enhancement of the plot size within the existing allotment unit.

30. The recommendation and subsequent allotment of the aforesaid plots is not in dispute. In these circumstances, the Petitioners' submission, in substance, asks for the community land component to be used not only to revise plot size, but also to rework the earlier allotment unit and to carve out a separate individual plot. That is not a mere numerical correction. It is a structural rewriting of the allotment unit itself, after the allotment list had crystallised and after possession of the 450 sq. metres plot was offered. The scheme, the committee approach, and the later judicial directions on avoidance of duplication do not support that form of re-engineering.

31. AAI's reliance on **Karan Singh** also matters from the standpoint of finality. That judgment records, in clear terms, that the litigation arising from Village Nangal Dewat has spanned decades and that the process required a stopping point. It cautions against entertaining belated challenges to the Nodal Officer's orders and against reopening claims after the scheme has progressed through time-bound stages. On AAI's case, the Petitioner did not challenge the joint allotment entry at the stage when the list of 308 persons was finalised and acted upon. The present prayer, framed as a demand for a separate plot, effectively seeks to reopen that joint entry. The closure principle, on which **Karan Singh** rests, militates against such



reopening in writ jurisdiction unless a clear legal transgression is demonstrated.

32. The plea of discrimination also remains unproven. AAI's answer is that the comparators cited by the Petitioners are not similarly situated, since those persons had separate holdings reflected in revenue records through mutation and were recognised for allotment on that footing. This Court cannot accept a discrimination argument without a true comparison on the decisive features identified by the scheme and the binding directions, namely separate landholding recognition for compensation and allotment purposes.

33. Allegations of false statements and *mala fides* have also been raised. The question in writ review is whether the impugned decision suffers from jurisdictional error, manifest arbitrariness, or perversity. The impugned orders were passed by the authority directed by the order dated 13th July, 2016. It addresses the Petitioners' central claim and rejects separate allotment on grounds the scheme, as applied through later directions, permits. That suffices to repel interference.

34. The case, therefore, does indeed centre on separate allotment. On the record as presented and, on the scheme, logic reinforced by AAI's counter, a separate individual alternative plot is not made out. The scheme benefit has been accounted for by clubbing and by enlargement of the joint allotment to 450 sq. metres. The Petitioners have not established a legal basis to compel dismantling of the recognised allotment unit into a fresh separate allotment at this stage.

35. For these reasons, the Court is not persuaded that the impugned orders dated 4th January, 2017 suffer from illegality, perversity, or arbitrariness



warranting interference under Article 226.

36. The writ petitions are dismissed. Pending applications, if any, also stand disposed of.

SANJEEV NARULA, J

FEBRUARY 26, 2026

as