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

+ **W.P.(C) 6320/2014**

LAXMI NARAIN GUPTA

.....Petitioner

Through: Mr. Gaurav Sarin, Sr.Adv. with Ms.
Charul Sarin, Mr. Harish Kumar,
Adv.

versus

DELHI DEVELOPMENT AUTHORITY & ORSRespondents

Through: Mr. Siddharth Panda, Mr. Ritank, Mr.
Anil Pandey, Adv. for R-3.

Ms. Manika Tripathy, SC for DDA
with Mr. Gautam Yadav & Mr.
Aakash Mohar, Adv.

Ms. Namrata Mukim Standing
Counsel MCD with Adv Sakshi
Saxena and Adv Niharika Singh for
R2 (thru VC)

Mr. Sanjay K Pathak, SC for LAC
with Mrs. K K Kiran, Mr. S K Jha,
Mr. M S Akhtar, Adv. For R-LAC

CORAM:

HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

27.11.2025

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1. Heard.
2. One *Late Sh. Lala Ram Niwas*, deceased father of petitioner purchased land admeasuring 4 *Bigha* 1 *Biswas* comprising *Khasra Nos. 2, 3, 4, 5, 6 and 15* situated at *village Karkardooma, Shahdara, Delhi* (**'Subject land'**).
3. The said land was subjected to exchange and accordingly, it is claimed



that *vide* Exchange Deed dated 21st September 1959, the aforesaid land was transferred to one *Sh. Pran Nath Sarodya S/o Sh. Ram Sarodya* in exchange for 8 *Biswas* out of *Khasra* no. 1, *Plot no.100, Vishwas Nagar, Shahdara, Delhi*.

4. The acquisition proceedings as regards the subject land was initiated *vide* Section 4 notification under the Land Acquisition Act, 1894 and an award came to be passed on 28th July 1970.

5. It is the case of petitioner that, in view of aforesaid exchange, the following land came to his share, as reflected in *paragraph 4* of petition.

<u>S. No.</u>	<u>Khasra No. in Village Karkardooma</u>	<u>Municipal No.</u>	<u>Plot No.</u>	<u>Area of land</u>
1.	2	621/1, 621/2, 621/17, 621/18	125	180 sq. yards
2.	2	621/15, 621/16	126	90 sq. yards
3.	2	621/8	128	45 sq. yards
4.	3102/1 min (0-1)		114	380 sq. yards
5	2 & 3		113 & 114	
6.	3103/1/2 min & 3104/1/2 min	621/1A	115 & 116	380 sq. yards
7.	3108/1/2 min & 3	621/1A/1	100 & 99A	295 sq. yards

6. It appears that the present petition has been preferred by petitioner seeking relief under *Right to Fair Compensation and Transparency in Land*



Acquisition, Rehabilitation and Resettlement Act 2013 (***Act of 2013***), alleging neither compensation has been paid nor possession has been taken by respondent. It is claimed that the cause of action for filing the present petition arises from enactment of Act of 2013, which was given effect in 2014.

7. *Mr. Gaurav Sarin*, Senior Counsel appearing for petitioner, has invited our attention to the order of the Apex Court dated 9th May 2022, whereby the Apex Court remanded the present petition back to this Court for recording factual finding on the issue of possession and payment of compensation.

8. The aforesaid order of Apex Court resulted in this Court directing respondents to file their respective affidavits.

9. *Mr. Sarin* has invited our attention to a contradiction in both these affidavits to contend that the issue of possession not being parted by the present petitioner has to be inferred in his favour. According to him, the record of respondents, particularly that of Delhi Development Authority (***DDA***), indicate that possession was not parted nor had DDA received possession.

10. He would further claim that even regarding the payment of compensation, there is no record available with respondent/DDA, which leads to an inference that the compensation was ever paid to petitioner, his deceased father, or his deceased mother.

11. It is brought to our notice that the father of petitioner died in 1968, which led to mutation of the subject land in name of petitioner's mother, who expired in 1974. Subsequent thereto, the subject land stood mutated in name of petitioner pursuant to a compromise decree passed in a suit for partition.

12. The fact remains that petitioner is asserting his possession from the



date of Award, and for that purpose, he has relied upon the very documents placed on record by the Land Acquisition Collector (*'LAC'*) and by the DDA.

13. Pursuant to the directions of this Court, the original record pertaining to possession was produced before this Court.

14. A perusal of possession record speaks of possession of *Khasra no.2* being handed over to respondent; however, the entry as regards *Khasra no.2* is scratched out in a different ink altogether.

15. We have compared the said entry regarding the taking of possession of *Khasra no. 2* with the adjoining entries in the possession receipt, and it can be inferred, even by the naked eye, that the scratching is subsequent.

16. The aforesaid observations are required to be made having regard to provisions of *Section 73 of Indian Evidence Act, 1872*, which corresponds to *Section 72 of the Bharatiya Sakshya Adhiniyam, 2023*.

17. The said entry is directed to be inspected by counsel for the petitioner, and we are expecting their response to the above observations through an affidavit.

18. There is one more facet to the matter. Since the acquisition was pursuant to Award of 28th July 1970, the Government record presupposes that the compensation must have been paid to the mother or father of petitioner.

19. Since the death certificates of father and mother, as well as the corresponding mutation entries, are not on record, we permit, as prayed by *Mr. Sarin*, to place the same on record through an additional affidavit.

20. Apart from above, we are equally required to be sensitive to the possession receipts which are placed on record by respondent/ LAC. In the affidavit, there comes an entry of 1971-1975, with regard to operation of stay



in proceeding which were pending before Civil Court.

21. We have to presuppose that pendency of proceedings was at the behest of petitioner, particularly when there was no occasion for respondent to take out civil proceedings before the Civil Court.

22. We would also like to have petitioner's response to the same.

23. Apart from above, once the land was acquired *vide* Award of 1970, and petition is preferred in 2014, we are required to be sensitive to the observations of the Apex Court in *paragraphs 21 to 23* in the case of ***Mahavir & Ors. v. Union of India & Anr.*** (2018) 3 SCC 588.

24. We would also like to have petitioner's response on this as well.

25. For the aforesaid purpose, as prayed by *Mr. Sarin*, we grant twelve (12) weeks' time to petitioner, as last chance, for filing aforesaid affidavits.

26. List for further consideration on 2nd March 2026.

27. Counsel for the LAC states that the costs already stand paid and, accordingly, their affidavit be taken on record.

28. Ordered accordingly.

29. Order be uploaded on the website of this Court.

NITIN WASUDEO SAMBRE, J

ANISH DAYAL, J

NOVEMBER 27, 2025/sm/zb