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

+ **W.P.(C) 969/2023 & CM APPL. 3747/2023**

AZAD SINGH

..... Petitioner

Through: Mr. Charanjit, Advocate.

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr. Jatin Singh, Advocate for
respondent no. 1.

Mr. Mrinalini Sen, Standing
counsel for respondent no. 2

Mr. Yeeshu Jain, Standing
counsel with Ms. Jyoti Tyagi
and Ms. Manisha, Advocates
for respondent no. 3 & 4.

(M): 9811394417

Email: yeeshujain@yahoo.co.in

Mr. Rishikesh Kumar, ASC,
GNCTD with Mr. Muhammad
Zaid, Mr. Aditya Raj,
Mr. Sumit Choudhary,
Mr. Sudhir Kumar Shukla and
Ms. Sheenu Priya, Advocates.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

25.01.2023

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[Physical Hearing/ Hybrid Hearing]

**W.P.(C) 969/2023 & CM APPL. 3747/2023 (Application under
Section 151 CPC for ex-parte Ad-interim stay)**

1. It is the case on behalf of petitioner that the petitioner was the absolute lawful owner/co-owner of 1/5th share in agriculture land admeasuring (54-11) bearing Khasra No.18917 (4-16), 8 (4-16), 9 (3-15), 66//20 min (2-16),21, (4-16), 85/1 (4-16), 10 (4-16), 11 (4-16),



84//19 (4-16), 22 (4-16), 23 (4-16), 97//2(4-16) situated in the revenue estate of Village Bawana, Delhi-110039.

2. It is submitted that out of the said (54-11) land of the petitioner and his co-owners, land admeasuring (13-07) comprised in Khasra No.18917 (4-16), 8 (4-16), 9 (3-15) was acquired vide Award No.8/2001-2002 dated 15.10.2001. It is submitted that the remaining land with them was admeasuring (41-04).

3. It is further submitted that out of balance unacquired land i.e. (41-04) of the petitioner and his co-owners, the land admeasuring (14-08) as comprised in Khasra No. 84//19 (4-16), 22 (4-16), 23 (4-16) was acquired vide Award No.15/2001-2002 announced on 21/03/2002. It is submitted that the balance land was also acquired vide award no. 19/2003-2004.

4. It is submitted that the petitioner had already transferred the possession of his entire acquired land to the Government in lieu of said acquisition. The petitioner had also received the compensation amount of his acquired land. Thus, it is submitted that in totality, the government had acquired land admeasuring (19-17) of the petitioner during 2001 to the year 2005.

5. It is submitted that the petitioner had applied for allotment of alternative plot in lieu of the acquired land within the prescribed period in the year 2002. Thereafter, when the remaining land of the petitioner was also acquired, he again applied for allotment of alternative plot in respect of his remaining acquired land in the year 2004.

6. It is submitted that since the entire land of the petitioner i.e. (19



bighas-17 biswas) was acquired as per policy of the alternative plots, the petitioner was entitled for allotment of only one alternative plot admeasuring 250 sq. yds. Since the land of the petitioner was acquired in piecemeal and he had applied twice for alternative plots against acquisition of his land, he submitted an application dated 05.08.2016 thereby requesting the respondents to club the two applications of the petitioner for allotment of alternative plots against acquisition of his land.

7. It is submitted that on 23.10.2019, the petitioner applied for inspection of his file for allotment of alternative plot. Upon inspection, the petitioner came to know that on 27.06.2018, the case of the petitioner for allotment of alternative plot in lieu of acquired land was rejected for the reason that the land of the applicant has not been acquired in the entirety as per the status report of the Tehsildar. As per the status report of the Tehsildar, it was stated that the petitioner still had remaining unacquired land bearing Khasra No. 116//1, total area measuring 11 biswa. It is further submitted that the petitioner also came to know that his case for allotment of alternative plot vide file bearing no. F.33(55)/18/201021L&B/Alt Computer Entry No. 160 had also been rejected on 07.09.2018 for the said reason. It was also stated while rejecting the application of the petitioner that the petitioner had failed to submit the requisite documents sought vide letter dated 14.09.2017. The petitioner also came to know that the claim of his brothers whose land was also acquired vide above awards, had also been rejected.

8. Ms. Jyoti Tyagi appearing on advance notice at the outset



submits that the case of the petitioner was rejected in the year 2018. However, the present writ petition has come to be filed after a delay of 3 years. She further submits that the case of the petitioner was rejected not only on the ground that complete land of the petitioner had not been acquired, but also for the reason that the petitioner had not submitted complete set of documents. Letter dated 14.09.2017 was issued to the petitioner in this regard. Further, a public notice dated 13.05.2018 was also published in English and Hindi newspapers. Still, the petitioner did not come forward to deposit all the requisite documents. .

9. Issue notice.

10. Notice is accepted by learned counsels appearing for the respondents.

11. Reply be filed within four weeks. Rejoinder thereto, if any, be filed within two weeks thereafter.

12. List on 26.07.2023.

MINI PUSHKARNA, J

JANUARY 25, 2023

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