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

+ **W.P.(C) 5748/2024, CM APPL. 23764/2024 (Interim Order)**

ARUN KUMAR BHATIA AND ORS

..... Petitioners

Through: Mr. Ravi Gupta, Sr. Advocate
alongwith Mr. Siddhant Nath, Mr.
Abhay P. Singh, Mr. Bhavishya
Makhija and Ms. Muskan, Advocates.

versus

GOVERNMENT OF NCT OF DELHI AND ORS Respondents

Through: Ms. Aditi Saraswat, Advocate for Mr.
Jawahar Raja, ASC (Civil), GNCTD
for R-1 (GNCTD).
Mr. Sanjay Kumar Pathak, Standing
Counsel with Mr. Sunil Kumar Jha,
Advocate for R-2 & 3.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

25.04.2024

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(The proceeding has been conducted through Hybrid Mode)

CM APPL. 23765/2024 (Exemption)

1. Exemption is allowed subject to all just exceptions.
2. Application is disposed of.

W.P.(C) 5748/2024

3. This is a writ petition under Article 226 of the Constitution of India *inter alia* seeking following prayers:

“a. Issue a writ of Mandamus inter alia directing the Respondents to issue the SANAD in favour of the Petitioners namely Arun Kumar Bhatia (2/3 share of the allotted land), Praveen Bhatia (9/30 share of the



allotted land), and Naresh Bhatia (1/30 share of the allotted land) regarding the allotted land being Khasra no. 24/6 area min (1 bigha and 14 Bishwas), Khasra no. 2417 area min (4 bigha and 16 Bishwas), Khasra no. 24/8 area min (4 bigha and 16 Bishwas), Khasra no. 24/9 area min (4 bigha and 16 Bishwas), Khasra no. 24/10 area min (4 bigha and 16 Bishwas), W.P.(C)-5748-2024 Khasra no. 24111 area min (4 bigha and 16 Bishwas), Khasra no. 24112 area min (4 bigha and 16 Bishwas), Khasra no. 24117 area min (0 bigha and 02 Bishwas) in Gharoda, Majra, Burari, totalling to 30 Bighas 12 Bishwas (4 SA 12.5 units), immediately without any further delay; and/or

b. Issue a writ of Mandamus inter alia directing the Respondents to hand over vacant and peaceful physical possession of the allotted land to the Petitioners being Khasra no. 24/6 area min (1 bigha and 14 Bishwas), Khasra no. 2417 area min (4 bigha and 16 Bishwas), Khasra no. 24/8 area min (4 bigha and 16 Bishwas), Khasra no. 24/9 area min (4 bigha and 16 Bishwas), Khasra no. 24/10 area min (4 bigha and 16 Bishwas); Khasra no. 24/11 area min (4 bigha and 16 Bishwas), Khasra no. 24112 area min (4 bigha and 16 Bishwas), Khasra no. 24/17 area min (0 bigha and 02 Bishwas) in Gharoda, Majra, Burari, totalling to 30 Bighas 12 Bishwas (4 SA 12.5 units), after W.P.(C)-5748-2024 removing any and all encroachments on the said allotted land; and/or

c. Issue a writ of Mandamus inter alia directing the Respondents to allot an alternative land equal in value and size to the Petitioners, without any further delay, in case the Respondents are unable to put the Petitioners in possession of allotted agricultural land being Khasra no. 24/6 area min (1 bigha and 14 Bishwas), Khasra no. 24/7 area min (4 bigha and 16 Bishwas), Khasra no. 24/8 area min (4 bigha and 16 Bishwas), Khasra no. 24/9 area min (4 bigha and 16 Bishwas), Khasra no. 24/10 area min (4 bigha and 16 Bishwas), Khasra no.



24/11 area min (4 bigha and 16 Bishwas), Khasra no. 24/12 area min (4 bigha and 16 Bishwas), Khasra no. 24/17 area min (0 bigha and 02 Bishwas) in Gharoda, Majra, Burari, totalling to 30 Bighas 12 Bishwas (4 SA 12.5 units), with the prior consent of the Petitioners;

AND/OR

Pass any other appropriate order or direction in favour of the Petitioner as this Hon 'ble Court may deem fit and proper in the facts and circumstances of the present petition."

4. Mr. Gupta, learned Senior Counsel appearing for the petitioners submits that the original allotment was in the name of Late Sh. Punnu Ram, who is the grandfather of the petitioners, which was allotted under the Displaced Persons (Compensation and Rehabilitation) Act, 1954. Since then, according to Mr. Gupta, the land was not physically allotted to Late Sh. Punnu Ram or to his L.Rs. He invites attention of this Court to various documents, more particularly to the order dated 26.02.2015 of the Assistant Settlement Commissioner-cum-Managing Officer of Evacuee Property Cell, which order refers to the petitioner no.2 having been allotted land to the extent of 4/30th share in the land and other petitioners in the land allotted to their grandfather Late Shri Punnu Ram. Learned counsel also invites attention of this Court to the internal notings of the file at page 162, 163 & 164 to submit that the said issue is alive and the steps required are to be taken by respondents in order to grant Sanad in favour of the petitioners.

5. Issue notice.

6. Notice is accepted by Ms. Aditi Saraswat, learned counsel for respondent no.1 and Mr. Sanjay Kumar Pathak, learned Standing



Counsel for respondents no.2 & 3.

7. Reply be filed within six weeks. Rejoinder thereto, if any, be filed within six weeks before the next date of hearing.

8. List on 27.08.2024 before the Registrar for completion of pleadings.

9. In the meanwhile, the petitioners are directed to file a detailed affidavit explaining the delay in approaching this Court right from the year 1961. The copies of the said affidavit shall also be furnished to learned counsel for the respondents.

TUSHAR RAO GEDELA, J

APRIL 25, 2024

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