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

+ **W.P.(C) 8158/2025**

ISHWAR SINGH BASHISTA & ORS.

.....Petitioners

Through: Mr. Udayan Jain, Mr. Amit Sherawat,
Mr. Harsh Jaiswal, Mr. Ranjan
Mishra, Ms. Geetika Iyar, Advocates

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Mr. Subhash Tanwar, SPC with Mr.
Sandeep Mishra, Mr. Harshit
Deshwal, Ms. Priyanka Kumari, Ms.
Ritu Tanwar and Mr. Vipin Kumar,
Advocates for R-1/UOI
Mr. Rajesh Katyal and Ms. Seema
Katyal, Advocates for R-2/NCRTC

CORAM:

HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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23.12.2025

1. We have heard the respective counsels for the parties, particularly the learned counsel for respondent no. 2, on the aspect of compensation not having been paid to the petitioners.
2. The petitioners rely on the judgment delivered in Suit No. 177 of 2009 by the Court of SCJ-cum-RC (Central), Tis Hazari Courts, Delhi, titled ***Shri Pritam Singh & Anr. v. Union of India & Ors*** dated 14th September, 2012.
3. According to him, *vide* judgment and decree dated 14th September, 2012, the defendants were as such the defendant no. 1/Union of India,



defendant no. 2/Lt. Governor/Administrator of National Capital Territory of Delhi and defendant no. 3/Government of National Capital Territory of Delhi through Chief Secretary, New Delhi and a declaration was ordered that that the plaintiffs/petitioners herein are in possession of the land *khasra no. 457* min. measuring 2 *bighas* situated in the Revenue Estate of Village *Kilokri*, Delhi as occupancy tenant. Accordingly, directions were issued to incorporate or mutate the aforesaid property in the name of the present petitioners in the revenue records. The adjudication in the said Civil Suit in favour of the petitioners was based on the following issues:-

- “1. Whether the plaintiff has got any right, title or interest over the suit property in question?*
- 2. Whether the suit of the plaintiff is not maintainable for want of notice U/Sec. 53B of Delhi Development Act?*
- 3. Whether this court has no jurisdiction in view of DLR Act?*
- 4. Whether the plaintiff is entitled to the relief of declaration and injunction as prayed for?*
- 5. Whether the defendants have committed violation of the injunction order dated 17.2.1994?*
- 6. Whether the plaintiff is entitled for the relief prayed for in the suit?*
- 7. Relief.”*

4. It appears that the aforesaid land was acquired by respondent no. 2 for its project and for the said purpose, a draft Re-settlement Plan Project was authored by respondent no. 2, which could be traced on record as Annexure P-3.

5. The clause 5 of the said document reads thus:-

- “5. The land acquisition and resettlement impact assessed through project census survey includes acquisition of government land and 09 private structures. It was found that 0.0432 hectares of government land has 3 households as*



occupancy tenants on connecting line SKK to Jungpura and 08 individual flats owned by 08 households in an apartment/building will be affected as falling within the corridor of impact i.e 5m either side of the viaduct due to safety reasons. These 08 individual flats needs to be purchased/acquired or temporarily shifted as per wish of flat owners. One temporary structure, open from three side belong to Resident Welfare Association (RWA) will also be affected. In addition to 9 private structures, there are 5 public properties (Annexure-5) also affected due to the proposed alignment. The impact is found significant because all 08 households will be physically displaced/temporarily shifted. The summary findings are presented in the following Table.

Impact	Unit/Number
Government Land Acquisition with Occupancy Tenants (hectare)	0.0432
Government Land Acquisition (hectare)	18.9621
Affected Households	11
Impact	Unit/Number
A. Physically Displaced Households	08
B. Economically Displaced Households (Occupancy Tenants)	03
C. Structure Affected	9*
D. Significant Impact (Households)	08
Total Affected Persons	69
Total Significantly Affected Persons	36
Vulnerable Households	0
Affected Public/Government Properties	05

* Out of 9 structures, 8 are privately owned and one is owned by RWA.



Source: Census Survey, 3-9 December 2020”

6. Similarly, the report speaks of the economically displaced households being three in number who are occupancy tenants, including the petitioner.
7. Perusal of the said Re-settlement Scheme postulates that respondent no. 2 had knowledge that the petitioners have tenancy rights over the land in question, as the reference is already made to the aforesaid decree in the same.
8. The entitlement of the petitioners under the aforesaid scheme was a fact within the knowledge of respondent no. 2, as is borne out from *paragraph* 103 of the said Draft Resettlement Plan Project, which is reproduced as under:

“103. The total R&R budget for the proposed project RP works out to Rs. 273.14 million. A detailed indicative R&R cost is given in Table 21.

Table 21: R&R Budget

S. N.	Item	Unit	Rate	Amount
A	Compensation for land	In sq. mt.	Sq.mt.	In Rupees
1	Compensation for Occupancy Tenant for Government Land	432	As per LA Authority *	0
	Subtotal A			0
B	Compensation for Structure	In Sq. mtr.	Rupees	
S.N.	Item	Unit	Rate	Amount
1	Compensation for Residential Flats	1080	71952	77708160
			100% Solatium	155416320
2	Compensation for RWA structure	23.1	10000	231000



			100% Solatium	462000
3	Compensation for CPR (Government structures mainly boundary walls)	13.6	18000	244800
	Subtotal B			234062280
C	Assistance	Number		
1	Onetime assistance to titleholder	23**	500000	11500000
2	Resettlement allowance to all DPs	23**	50000	1150000
3	Shifting assistance to DPs losing structure (flats)	8	50000	400000
	Subtotal C			13050000
D	RP Implementation Support Cost	Number		
1	Additional Cost of RISA for RP Implementation	1	500000	500000
2	Grievance Redressal & Consultation Cost	Lump sum	500000	500000
3	Additional Cost for External Monitoring Expert	1	200000	200000
	Subtotal D			1200000
Total (A+B+C+D)				248312280
Contingency (10%)				24831228
GRAND TOTAL				273143508

** The cost of compensation for occupancy tenant will be as per the decision of Competent Authority with reference to Court*



Order and therefore no estimate is provided under the table.

*** Including 12 DPs above 18 years of age and treated as separate family as per RFCTLARR 2013. The number of such DPs is subject to verification during implementation of RP. However, if land is procured through direct purchase policy of NCRTC, the assistance type and estimate will be adjusted accordingly.”*

9. Instead of offering payment of compensation to the petitioners, respondent no. 2, by relying upon Inter-Departmental communication with the revenue authorities, claimed that the compensation amount was deposited with the Municipal Corporation of Delhi (**'MCD'**), which was recorded as the owner of the same.

10. The defendants no. 2 and 3 to the above referred decree are the stakeholders in the Development Project implemented by respondent no. 2. Apart from above, the respondent no. 2 from the Re-settlement Project was aware about the legal rights of the petitioners. As such, least that was expected of respondent no. 2 was to offer the compensation to the petitioners to which the petitioners are lawfully entitled.

11. The respondent no. 2 has claimed that they have offered compensation to the MCD and are trying to wash away their lawful responsibility of payment of compensation.

12. In such an eventuality, we would have directed respondent no. 2 to forthwith consider the claim of the petitioners in the light of the judgment dated 14th September, 2012, referred above and to deposit the compensation in this Court, to which the petitioners are lawfully entitled.

13. At this stage, the learned counsel appearing for respondent no. 2 submits that some breathing time be granted to sort out the issue which is sought to be canvassed in the petition.



14. That being so, by way of last chance, we grant time of four weeks to respondent no. 2, as prayed, to sort out the issue.
15. If no appropriate submissions or assistance is received from respondent no. 2 on the next date of hearing, this Court will be constrained to direct respondent no. 2 to pay appropriate compensation to the petitioners, having regard to the rights as are dwelled on them by virtue of the judgment and decree dated 14th September, 2012.
16. We expect the submissions of the respondent no. 2 irrespective of whether, rightly or wrongly, they have made payment of compensation to the MCD, as the respondent no. 2, in our opinion, are equally bound by the judgment dated 14th September, 2012.
17. We permit the rejoinder to be placed on record within three weeks.
18. List on 24th March, 2026.
19. Order be uploaded on the website of this Court.

NITIN WASUDEO SAMBRE, J

ANISH DAYAL, J

DECEMBER 23, 2025/pr/sk