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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
and Mr. Harsh Jaiswal, Advs.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Mr. Rakesh Malhotra, Mr. Bharat
Malhotra & Ms. Smritika Kesri, Advs.
Adv. for MCD.
Mr Rajesh Katyal, Adv. for R-2.
Mr. Subhash Tanwar (SPC), Mr.
Sandeep Mishra, Mr. Harshit
Deshwal, Mr. Mohit Kumar Tomar &
Mr. Mayank Sehrawat, Advs. for UOI.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

ORDER

% **16.02.2026**

1. This hearing has been through hybrid mode.

CM APPL. 10292/2026 in W.P.(C) 8158/2025

2. The present application has been filed by Respondent No.2- National Capital Region Transport Corporation limited (*hereinafter*, 'NCRTC') under Section 151 read with Order 1 Rule 10 of the Code of Civil Procedure, 1908 seeking impleadment of the Municipal Cooperation of Delhi as a Respondent in the present matter.

3. On the previous date of hearing *i.e.*, 23rd December, 2025, the predecessor Bench of this Court had recorded the statement of Respondent No.2 that they would try to sort out the issue which has been canvassed in the present petition.



4. The Petitioners in the present petition rely upon the judgement and decree dated 14th September, 2012 in **Suit No. 177/2009** titled '**Shri Pritam Singh & Anr. v. Union of India & Ors.**' passed by the Court of SCJ-cum-RC (Central), Tiz Hazari Courts, Delhi.

5. *Vide* the judgement and decree dated 14th September, 2012, the Petitioners were granted a decree of declaration in the following terms:

"In view of the aforesaid discussion of the court, the suit of the plaintiffs is decreed for a decree of declaration that they are in possession of land in khasra no. 457 min. measuring 2 Bighas situated in the revenue state of Village Kilokri, Delhi as occupancy tenants. Their names be recorded in revenue record as such. Decree sheet be drawn accordingly. File be consigned to record room."

6. Pertinently, the Defendants in the **Suit No. 177/2009** were as follows:

- i. Union of India;
- ii. Lt. Governor/Administrator of National Capital Territory of Delhi;
- iii. Government of National Capital Territory of Delhi, through the Chief Secretary.

7. A perusal of the present petition would also reveal that the prayer in the present petition is for allotment of alternate land or payment of fair compensation at the market value for acquisition of the land.

8. The facts that have transpired after the passing of judgement and decree dated 14th September, 2012 is that some time in 2022, the possession of the land being *Khasra* No. 457, Village Kilokri, Delhi (*hereinafter* , '*the land*') is stated to have been taken from the Petitioners for the construction of Regional Rapid Transit System (*hereinafter* , '*RTS*').



9. In the letter dated 2nd January, 2024, it is stated that the Municipal Corporation of Delhi (*hereinafter*, 'MCD') had allotted the land for implementation of the Delhi-Ghaziabad-Meerut RRTS to the NCRTC and a sum of approximately Rs. 33 lakhs was paid by the NCRTC to the MCD.
10. The NCRTC is the Corporation in charge of the RRTS project.
11. In the present petition, only the Union of India and NCRTC have been impleaded as the Respondents.
12. However, NCRTC was not a party to the **Suit No. 177/2009**, which was filed by the Petitioners and was not there when the decree dated 14th September, 2012 was passed.
13. In the opinion of this Court, the MCD would be a necessary and proper party in this case, inasmuch as, the possession of the land has been given by the MCD to NCRTC for implementation of the RRTS project.
14. Accordingly, the MCD is impleaded as Respondent No.3 in the present petition. On behalf of MCD, Mr. Bharat Malhotra, Id. Counsel accepts notice.
15. Additionally, the Lieutenant Governor/Administrator of the National Capital Territory of Delhi and the GNCTD through the Chief Secretary are also necessary and proper parties, as they were the parties in the suit where the decree set out above has been passed. They are impleaded as Respondent Nos. 4 and 5.
16. Let Notice be served upon Mr. Sameer Vashisht, Id. Standing Counsel for Respondent Nos. 4 and 5.
17. Let the amended memo of parties be filed by the Petitioners within one week from this order.
18. Additionally, a perusal of the document dated 11th January, 2021 attached as Annexure R-2 by NCRTC shows that insofar as Khasra No. 457



(06-00), Village Kilokri, Delhi is concerned, the same has not been acquired by the Delhi Development Authority (*hereinafter*, 'DDA'). This is acknowledged in the said document dated 11th January, 2021 which reads as under:

ANNEXURE R-2

**DEVELOPMENT AUTHORITY
INSTITUTIONAL LAND BRANCH
A-216, Vikas Sadan INA, New Delhi-110023**

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F. LD/IL/0004/2020/GOVT/32-IL-III 1315

Dated: //01/2021

To
Dy Chief Engineer/Delhi
National Capital Region Transport Corporation (NCRTC)
7/6, Siri Fort Institutional Area, August Kranti Marg
New Delhi -110049

Sub: Implementation of Delhi-Ghaziabad-Meerut RRTS Corridor -Regarding Khasra Details of DDA land pockets for RRTS alignment near Sarai Kale Khan

Sir,

This is in reference to your letter dated 23.07.2020 regarding providing Khasra Details of DDA land pockets for RRTS alignment near Sarai Kale Khan.

The detail status report of the four land pocket as mentioned in the aforesaid letter and as determined in joint inspection held on 05.11.2020 alongwith officials of NCRTC and DDA officials is given below:

As per the land record available with DDA,

1. The land bearing kh.no-458(11-02) of village kilokri was acquired vide award no-18 A/73-74. The physical possession of kh.no-458(11-02) was handed over to DDA by LAC/L&B on dated 6-6-1977. Further the same came on the disposal of DDA vide notification 22(i)-F9(7)/75-L&B dated 19-6-1977. The land bearing kh.no-458(11-02) of village kilokri has been transferred to Horticulture dept. on dated 9-12-1980.
2. The land bearing kh.no-457(06-00) of village kilokri is not acquired for DDA.
3. The land bearing kh.no-98/2(1-13) of village Sarai kale khan was acquired vide award no-154/86-87. The physical possession of kh.no-98/2(1-13) was handed over to DDA by LAC/L&B on dated 22-9-1986. Further the same came on the disposal of DDA vide notification 22(i)-F9(4)/86-L&BLA dated 10-10-86. The land bearing kh.no-98/2(1-13) of village Sarai kale khan has been transferred to C.D.II for development group housing" on dated 6-10-1986.
4. The land bearing kh.no-484/1/2(04-19) of village kilokri was acquired vide award no-18-A/73-74. The physical possession of kh.no-484/1/2(04-19) was handed over to DDA by LAC/L&B on dated 6-6-1977. Further the same came on the disposal of DDA vide notification 22(i)-F9(7)/75-L&B dated 19-6-1977. The land bearing kh.no-484/1/2(04-19) of village kilokri has been transferred to Horticulture dept. on dated 9-12-1980

The land bearing kh.no-484/1/1(08-13) of village kilokri was acquired vide award no-18/73-74.. Further the same came on the disposal of DDA vide notification 22(i)-F9(6)/82-L&B dated 17-11-82. The land bearing kh.no-484/1/1(08-13) of village kilokri has been transferred to C.D.II for development S.F.S Residential" on dated 12.09.95.

The land bearing kh.no-484/2(1-3) is not acquired for DDA.

As per the available court case register in LM/SEZ, DDA, no court case is pending on the above mentioned khasra numbers.

The above is for your information and necessary action please.



19. The inspection for handing over of the site appears to have been conducted way back on 12th July, 2022 and in that all the relevant officials including the patwari *etc.*, were also present.

20. Therefore, from 2022 the possession of the land has not been with the Petitioners. The present writ has been filed by the Petitioners in 2025.

21. Considering this position, the Court is of the opinion that a meeting ought to be held **on 11th March, 2026**, by the Commissioner, MCD along with concerned officials of the GNCTD and NCRTC.

22. If required, the Commissioner, MCD may also direct the concerned officials from the Land Acquisition Collector and the DDA to also be present in the said meeting. If further meetings are required, the same shall be held in the month of March.

23. After holding a meeting, the MCD shall file a comprehensive affidavit by 15th April, 2026, stating the following facts:

- i. Whether the land was acquired and who was the recorded owner of the land?
- ii. Under what circumstances did the MCD transfer the possession of the land to the NCRTC?
- iii. Whether the MCD was aware of the judgment and decree dated 14th September, 2012 at the time when possession of the land was handed over?
- iv. Whether the Petitioners were in possession of the land, when the possession of land was taken over in 2022?
- v. The judgement and decree dated 14th September, 2012 relates to only 2 *Bighas* of *Khasra* No. 457, Village Kilokri, Delhi. However, the Petitioners are claiming compensation in respect of 1 *Bigha* of



Khasra No. 457, Village Kilokri, Delhi. It is unclear as to how much of the land of Khasra No. 457 has actually been allotted to the NCRTC. Let the MCD also state the same in the affidavit.

24. If Respondent Nos. 4 and 5 wish to file any affidavits, they are at liberty to do so.

25. Insofar as Respondent No.1- Union of India is concerned, an affidavit is stated to have been filed. However, the same is under objections. The delay in filing the same is condoned. Let the same be brought on record.

26. Let the rejoinder to the Respondent No.1- Union of India's affidavit be filed within a period of four weeks.

27. The Counter affidavit on behalf of Respondent No.2- NCRTC is on record.

28. The rejoinder to the counter affidavit of NCRTC is under objections. Delay, if any, is condoned. Let the same be brought on record.

29. List on 24th March, 2026.

30. Copy of this order be communicated to the Commissioner, MCD through Mr. Bharat Malhotra, Id Counsel.

PRATHIBA M. SINGH, J.

MADHU JAIN, J.

FEBRUARY 16, 2026

dj/sm