



\$~51-56

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 191/2008**

MAHESH CHAND BAHLPetitioner

Through: Mr. Naresh K. Daksh, Adv.

versus

K.S. MEHRA & ORS.Respondents

Through: Mr. Sanjay Kumar Pathak, Standing
Counsel with Mrs. K.K. Kiran
Pathak, Mr. Sunil Kumar Jha & Mr.
M.S. Akhtar, Advs. for LAC/L&B
DEPT (Mob: 9871658979)

Ms. Shobhana Takiar, Standing
Counsel, with Mr Kuljeet Singh, Adv.
for DDA

Ms. Puja S. Kalra, Adv. for MCD.

Mr. Sanjay Poddar, Sr. Adv. with Ms.
Puja Kalra, SC for MCD with Mr.
Govind Kumar, Mr. Apurv Kumar, &
Mr. Viren Adv

52

WITH

+ **LPA 310/2010 & CM APPL. 55020/2024**

AMARJEET SINGHAppellant

Through: Mr. Praveen Suri & Ms. Amol Kaur,
Advs. (Mob: 9810928188)

versus

MCD & ANRRespondents

Through: Mr. Sanjay Poddar, Sr. Adv. with Ms.
Puja Kalra, SC for MCD with Mr.
Govind Kumar, Mr. Apurv Kumar, &
Mr. Viren Adv.

Mr. Sanjay Kumar Pathak, Standing
Counsel with Mrs. K.K. Kiran
Pathak, Mr. Sunil Kumar Jha & Mr.
M.S. Akhtar, Advs. for LAC/L&B
DEPT

Mr. Neeraj Kumarh, Adv. for DDA.



53

+

WITH

**CONT.CAS(C) 889/2009 & CM APPLs. 17090/2009, 11922/2024,
11923/2024**

RAJ KUMAR ANAND

.....Petitioner

Through: Mr. Rajat Aneja & Ms Chandrika
Gupta ,Advs.

versus

KS MEHRA & ORS

.....Respondents

Through: Mr. Sanjay Kumar Pathak, Standing
Counsel with Mrs. K.K. Kiran
Pathak, Mr. Sunil Kumar Jha & Mr.
M.S. Akhtar, Advs. for LAC/L&B
DEPT

Mr. Sanjay Poddar, Sr. Adv. with Ms.
Puja Kalra, SC for MCD with Mr.
Govind Kumar, Mr. Apurv Kumar, &
Mr. Viren Advs

Ms. Shobhana Takiar, Standing
Counsel, with Mr Kuljeet Singh, Adv.
for DDA

Ms. Puja S. Kalra, Adv. for MCD.

54

+

WITH

W.P.(C) 7460/2009 & CM APPL. 4169/2010 & 27280/2017

RAJ KUMAR ANAND

.....Petitioner

Through: Mr. Rajat Aneja & Ms Chandrika
Gupta ,Advs.

versus

MCD & ORS.

.....Respondents

Through: Mr. Sanjay Kumar Pathak, Standing
Counsel with Mrs. K.K. Kiran
Pathak, Mr. Sunil Kumar Jha & Mr.
M.S. Akhtar, Advs. for LAC/L&B
DEPT

Mr. Sanjay Poddar, Sr. Adv. with Ms.
Puja Kalra, SC for MCD with Mr.
Govind Kumar, Mr. Apurv Kumar, &
Mr. Viren Advs

Mr Gaganmeet Singh Sachdeva, Mr.



55

+

DINA NATH

WITH
LPA 362/2010

Harshpreet Singh Chadha, Advs. for
DDA.

.....Appellant

Through: Mr. Praveen Suri & Ms. Amol Kaur,
Advs. (Mob: 9810928188)

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: Mr. Sanjay Poddar, Sr. Adv. with Ms.
Puja Kalra, SC for MCD with Mr.
Govind Kumar, Mr. Apurv Kumar, &
Mr. Viren Advs

Mr. Arjun Mahajan, Standing Counsel
for MCD with Mr. Apoorv Upmanyu
and Mr. Harsh Vashisht, Adv.

Ms. Prabhsahay Kaur, Standing
Counsel, DDA with Mr. Bir Inder
Singh Gurm, Ms. Anmol M. Kaur,
Advs.

Mr. Arjun Mahajan, SC Adv. Mr.
Apoorva Upmayu, Adv. Mr. Harsh
Vashisht Adv. for DDA

Mr. Sanjay Kumar Pathak, Standing
Counsel with Mrs. K.K. Kiran
Pathak, Mr. Sunil Kumar Jha & Mr.
M.S. Akhtar, Advs. for LAC/L&B
DEPT (Mob: 9871658979)

56

+

SOUTH DELHI MUNICIPAL CORPORATION

WITH
LPA 416/2012

.....Appellant

Through: Mr. Sanjay Poddar, Sr. Adv. with Ms.
Puja Kalra, SC for MCD with Mr.
Govind Kumar, Mr. Apurv Kumar, &
Mr. Viren Advs

Mr. Arjun Mahajan, Standing Counsel
for MCD with Mr. Apoorv Upmanyu
and Mr. Harsh Vashisht, Adv.



Mr. Arjun Mahajan, SC Adv. Mr.
Apoorva Upmayu, Adv. Mr. Harsh
Vashisht Adv. for DDA

versus
MAHESH CHAND BAHL

.....Respondent

Through: Ms. Prabhsahay Kaur, Standing
Counsel, DDA with Mr. Bir Inder
Singh Gurm, Ms. Anmol M. Kaur,
Advs.

Mr. Sanjay Kumar Pathak, Standing
Counsel with Mrs. K.K. Kiran
Pathak, Mr. Sunil Kumar Jha & Mr.
M.S. Akhtar, Advs. for LAC/L&B
DEPT.

Mr. Naresh K. Daksh, Adv.

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE MADHU JAIN

ORDER
% **12.01.2026**

**CONT.CAS(C) 889/2009 & CM APPLs. 17090/2009, 11922/2024,
11923/2024**

1. The present proceedings relate to the acquisition of subject land in Village Samalkha covered under Notification dated 19th February, 1979 under Section 4 of the Land Acquisition Act, 1894. The Petitioner is aggrieved by the Respondents' non-compliance of the orders dated 4th August, 2009 and 8th October, 2009 passed in ***W.P.(C) 7460/2009***.
2. Today, the Court has been apprised of the Notification dated 18th December, 2025 issued by the Government of NCT of Delhi *vide* which the acquisition proceedings *qua* certain areas have been withdrawn.
3. It is submitted by the parties that the subject land is covered within the



said notification.

4. In view of the policy decision taken by the Government of NCT Delhi to withdraw the acquisition proceedings in respect of Village Samalkha, contempt action would not be tenable due to the said subsequent development. In view of the withdrawal of the acquisition notification, the land has reverted back to the landowners. The prayer now is for allotment of alternate plot which would be considered as part of the main writ petition being **W.P.(C) 7460/2009** itself.

5. Accordingly, the present petition is disposed of in these terms. All pending applications are also disposed of.

CONT.CAS(C) 191/2008

6. The present petition has been filed, *inter alia*, seeking action against the Municipal Corporation of Delhi for non-compliance of order dated 30th October, 2006 passed in **W.P.(C) 10108/2006**.

7. The present proceedings also relate to the acquisition of subject land in Village Samalkha covered under Notification dated 19th February, 1979 under Section 4 of the Land Acquisition Act, 1894.

8. Ld. Counsel for the Petitioner submits that the appeal against the said order has been dismissed by the Supreme Court in **Special Leave to Petition (C) CC 5292-5293/2011** titled **Municipal Corpn. Of Delhi & Anr. v. Mahesh Chand Bahl & Anr.**

9. However, in view of the policy decision taken by the Government to withdraw the acquisition proceedings in respect of Village Samalkha, contempt action would not be tenable due to the said subsequent development. However, the prayer for alternate allotment would be considered as part of the main matter being **W.P.(C) 7460/2009** itself.



10. Accordingly, the present petition is disposed of in these terms. All pending applications are also disposed of.

CM APPL. 55020/2024 in LPA 310/2010

11. This is an application filed by one of the land owners seeking impleadment in these proceedings.

12. The same is disposed of considering that the land owners' petition being ***W.P.(C) 7689/2000*** has been allowed today.

13. Accordingly, impleadment would no longer be required. The application is disposed of in these terms.

LPA 310/2010 & CM APPL. 55020/2024

W.P.(C) 7460/2009 & CM APPL. 4169/2010 & 27280/2017

LPA 362/2010

LPA 416/2012

14. These are four matters relating to four allottees who claim to have been allotted plots in Village Samalkha. This land was initially subjected to land acquisition proceedings in 1979 *vide* Notification dated 19th February, 1979 and Notification dated 27th September, 1980 under Section 4 and Section 6 of the Land Acquisition Act, 1894.

15. The said notifications for acquisition have now been withdrawn under a decision taken by the appropriate authority *vide* Notification dated 18th December, 2025. The present matters would have to be considered in light of the said decision.

16. The Court has heard the parties. The plea of these allottees is two fold:

- i) That they have paid the requisite amounts under the Allotment Scheme which was floated by the MCD at the relevant point in time and allotments were duly made to them;



- ii) That if the subject land is no longer vested with the Government, alternate plots should be allotted to the said allottees.
17. In each of these petitions, let the allottees file the details of the amount paid and the proof of payment, if any, be filed on record.
18. Since the Petitioners are also claiming alternate plots, let the Petitioners file any documents in support of this plea. The petitioners in CONT.CAS(C) 191/2008 and CONT.CAS(C) 889/2009 shall similarly file their requisite documents and details of locations where they seek alternate plots.
19. Insofar as MCD is concerned, let the MCD place on record the policy decision taken in respect of these allottees by the competent authority including in respect of refund and interest, if any, in the form of a chart.
20. At this stage, Mr. Avtar Singh, Id. Counsel submits that there are six other allottees who had also filed contempt petitions against the MCD and in whose favour an order has been passed by the Supreme Court in **Civil Appeal No. 4478/2013** titled **Municipal Corp. of Delhi & Anr. vs. Kirpal Singh and Karam Singh & Ors.**, on 19th July, 2023. As per the Id. Counsel the said allottees would also get benefit of the said decision of the Supreme Court.
21. The Court has perused the said order dated 19th July, 2023 wherein it has been directed as under:

- “1. Delay condoned.*
- 2.The application for setting aside abatement and the application for substitution are allowed.*
- 3. Cause-title be amended accordingly.*
- 4. These two Civil Appeals are at the instance of the Municipal Corporation of Delhi and its authorities, challenging the judgment and order dated 09.02.2009 and 27.03.2009, passed by the Division Bench of the High Court of Delhi, whereby directions have been issued that the process of acquisition may be completed,*



but possession of the acquired land shall not be taken until the question of regularization of unauthorized colonies is finally decided by the competent authority.

5. Broadly, the undisputed facts are that the NCT of Delhi acquired land to give effect to a scheme to be implemented by the appellant – Corporation for developing Truck Repairing/Servicing-cum-Shopping Complex at Samalka, Delhi-Gurgaon Road. The acquisition was completed through an Award passed on 19.09.1986. However, before the possession could be taken, the ex-propriated owners approached the High Court, which passed an order to maintain status quo with regard to construction and possession. Meanwhile, in anticipation of getting possession of the acquired property, the appellants carved out plots to give effect to the scheme, referred to above, and made allotments in favour of the respondents. The respondent – allottees also initiated separate proceedings to obtain possession of the allotted plots considering that there was a lapse of 20 years in handing over the possession. It may, thus, be seen that there arose three types of proceedings before the High Court, namely, (i) Challenging the acquisition of the properties in dispute; (ii) Seeking regularization of the unauthorized construction raised at the site; and (iii) Delivery of possession of the plots carved out by the Corporation to implement the development scheme.

6. It is in this backdrop that a Division Bench of the High Court, vide the impugned order dated 27.03.2009, directed the appellants to examine as to whether the unauthorised colonies in question can be regularised under the scheme, keeping in view the judicial orders which had already been passed in that regard. The High Court further allowed the respondent – writ petitioners to seek remedy against the appellants for claiming alternative sites and/or any other relief, as may be permissible under the law.

7. We have heard learned counsel for the parties



including Mr. Vikramjit Banerjee, learned Additional Solicitor General appearing on behalf of the Union of India and carefully perused the material placed on record.

8. It is evident that different sets of writ petitions seeking quashing of the acquisition or regularization of the unauthorized constructions and/or a direction to hand over possession of the allotted sites have been listed before different Benches at different point of time. This has resulted into issuance of somewhat contradictory directions which the authorities may find difficult to give effect to. For instance, the allottees cannot be handed over possession of the plots under the new scheme unless physical possession of the acquired property is allowed to be taken over by the appellants free from all encumbrances. Similarly, if the competent authority decides to regularize the unauthorized construction, the allottees cannot be handed over plots under the proposed scheme though they might be entitled to some alternate relief for which liberty has been granted by the High Court vide the impugned judgment. In such peculiar facts and circumstances, it appears to us that the High Court need to re-visit the issues raised in all the sets of writ petitions, referred to above, and take a holistic view in respect of the validity of the acquisition, regularization of unauthorized construction and/or the nature of some alternative relief that can be granted to the allottees under the development scheme.

9. Consequently, we allow these appeals in part; set aside the impugned orders and remit the case to the High Court for fresh adjudication of all the issues by way of a common order.

10. We are informed that some of the writ petitions/LPAs, pertaining to one or the other issue, are still pending consideration before the High Court. It would, thus, be appropriate to consolidate all the writ petitions/appeals and list them before one appropriate Bench.



11. The parties are directed to appear before the High Court on 28.08.2023. The appellants shall furnish the details of all the relevant pending cases, referred to above, before the High Court on the date of appearance. The High Court is requested to consolidate all the cases and decide them by way of a common order.

12. Since the subject acquisition is of the year 1986, and the ex-propriated owners as well as the allottees are awaiting for decades to see the final outcome of this lis, we request Hon'ble the Chief Justice of the Delhi High Court to post the matters for hearing immediately, with a further request to the Bench to decide the same expeditiously, and preferably within six months from the date of receipt/production of a copy of this order.

13. It is clarified that we have not expressed any opinion on the merits of the case.”

22. Considering the above, Mr. Avtar Singh, Id. Counsel is permitted to file an application in **LPA 416/2012** giving the details of these additional allottees, their documents as also their affidavits in support of their plea for alternate allotment which shall be considered on the next date.

23. List on 19th March, 2026.

PRATHIBA M. SINGH, J

MADHU JAIN, J

JANUARY 12, 2026

Rahul/msh