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

+ LPA 265/2025, CM APPL. 23571/2025

RAM KISHANAppellant

Through: Mr. Sultan Choudhary, Advocate

versus

DELHI DEVELOPMENT AUTHORITYRespondent

Through: Ms. Prabhsahay Kaur, Standing Counsel
with Mr. Birinder Singh and Ms. Sana
Praveen, Advocates for DDA.

Date of Decision: 23rd April, 2025

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGEMENT

TUSHAR RAO GEDELA, J: (ORAL)

1. The present letters patent appeal has been filed by the appellant assailing the judgment dated 03.02.2025 (hereinafter referred as "*impugned judgment*") passed by the learned Single Judge in W.P.(C) No. 7563/2023 titled as "*Shri Ram Kishan vs. Delhi Development Authority*", whereby the learned Single Judge dismissed the underlying writ petition of the appellant for being non-maintainable.

2. The appellant claims to be the owner and bhumidhar of the lands situated in Khewat No.8 and 12, measuring approximately 1 bigha 1 biswa and 1 bigha, respectively, in the revenue estate of Village Chak Chilla, District South-East, Defence Colony, Delhi, which falls on the north-eastern bank of the Yamuna River (hereinafter referred as "*subject lands*").



3. Learned counsel for the appellant submits that the subject lands were acquired by the respondent/Delhi Development Authority (hereinafter referred as “DDA”) under Award No.22/92-93 dated 13.06.1992 for the purpose of the planned development of Delhi. He submits that the possession of the subject lands were recorded by the DDA on 31.10.1997, however, the physical possession of the subject lands was never taken by the respondent. Although, the possession proceedings dated 31.10.1997 indicate that the subject lands were included in the said acquisition proceedings but were required to be de-notified from Award No. 22/92-93, Village Chak Chilla.

4. Learned counsel submits that despite the passage of over 30 years since the issuance of the award, the DDA attempted to dispossess the appellant from the peaceful physical possession of the subject lands. He states that the Central Government has announced the project namely “Restoration and Rejuvenation of River Yamuna Project” over the acquired lands and adjacent to the present de-notified lands of the appellant, however, in the garb of the said project, the respondent is trying to encroach upon the said subject lands of the appellant by verbally claiming that the subject lands of the appellant and other persons of the Village are under the Yamuna Basin and the lands out of the Yamuna river are part of the acquired lands.

5. He also submits that the cultivatory possession records prepared by the revenue authorities are true and show the actual position of the lands where the last cultivation was done by the appellant. He claims that the photographs annexed demonstrate that the lands of the appellant are beyond the Yamuna River Rejuvenation and Restoration Project. He submits that the



learned Single Judge failed to consider the same and had erroneously declared the appellant as trespasser upon the acquired lands without having any demarcation.

6. Having heard learned counsel for the appellant and perusing the impugned judgement and the records of the case, we find no merit in the appeal.

7. It is admitted that large tracts of land of Village Chak Chilla were sought to be acquired by the respondent for a public purpose and accordingly were notified under section 4 of the Land Acquisition Act, 1894 (hereinafter referred to "*the Act*") vide notification no.F9(1)/85-L&B/I dated 23.06.1989. Subsequently, a notice of declaration under section 6 and 17(1) of the Act was issued vide notification no.F9(1)/85-L&B/II & III dated 22.06.1990. Pursuant to the acquisition proceedings, an award bearing Award No.22/92-93 dated 13.06.1992 was passed. Although the appellant asserts that some lands were de-notified, including the subject lands, however, he was unable to show any notification issued by the appropriate or competent authority under the provisions of the Land Acquisition Act, 1894 to substantiate the same. Learned counsel for the appellant relied upon a typed copy of a document alleged to be a notification, de-notifying some lands of the said village, however failed to show the original notification. It is intriguing to note that the original of the alleged de-notifying notification was not filed even in the original writ proceedings nor was sought for by the appellant. We are doubtful about the said document and cannot therefore, place any reliance thereon. Another notification, placed on record, purported to be original and claimed to be de-notifying some lands of the said village,



is conspicuous by the absence of reference to the subject lands. Thus, there is no contemporaneous notification de-notifying the subject lands on record. In such circumstances, the edifice of the submission that subject lands were de-notified and hence not acquired lands, is unsubstantiated and contrary to record.

8. There is no denial to the assertion of the respondent/DDA that the possession of the acquired lands of village Chak Chilla, including the subject lands were taken by the respondent/DDA vide the “*kabza karwahi*” (proceedings of taking possession) dated 31.10.1997 except for a bald submission. There is no denial to the fact that the Award was also passed by the competent authority prior to the possession being taken over. As per Section 16 of the Act, after the acquisition of land and passing of the award, the land vests completely in the government, free from all encumbrances. It is not disputed that the subject land was part of the notification dated 23.06.1989 under section 4 of the Act for public purpose, followed by notifications under sections 6 and 17(1) of the Act dated 22.06.1990. Undeniably, the award was made on 13.06.1992 followed by “*kabza karwahi*” of the acquired lands. It is trite that upon issuance of notifications under section 4 and 6 of the LA Act, followed by passing of an award under section 11 of the LA Act and the subsequent taking of possession, the acquired land stands vested in the authority which has initiated the land acquisition proceedings as per section 16 of the Act and any person retaining possession thereafter or making re-entry has to be treated as trespasser. [See: *Indore Development Authority vs. Mohanlal; (2020) 8 SCC 129, DDA v. Anita Singh; (2023) 6 SCC 113*]. Learned Single Judge has also observed



that despite having been evicted after clearing encroachment, the appellant had again encroached and attempted to usurp land in Khasra No.16/2 (17-13) measuring 12 biswa, which fact was not disputed by the appellant herein.

9. The assertion of cultivatory rights and of being a bhumidar too is unsubstantiated and unmerited. On a query, the appellant was unable to show any order passed by the Competent Authority under the Delhi Reforms Act, 1954 or any other law in force, by virtue whereof, the appellant was declared a “*bhumidar*” of the subject land. It is trite that revenue records like khasra, khatauni etc., do not confer any title. In fact, the appellant seeks to place reliance on ‘*jamabandi*’ records pertaining to the year 1982-83 which are not conclusive evidence of ownership or bhumidari rights. Thus, learned Single Judge has rightly held that the appellant has failed to establish any title over the subject lands. Thus, for this reason too we find no merit in the appeal.

10. Resultantly, the appeal fails and is dismissed, however without any order as to costs.

TUSHAR RAO GEDELA, J

DEVENDRA KUMAR UPADHYAYA, CJ

APRIL 23, 2025/rl