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

% *Date of Decision: 18th February, 2025*

+ W.P.(C) 688/2014

SURINDER SINGH

.....Petitioner

Through: Mr. B.P. Gupta & Mr. Rajesh Gupta,
Advocates

versus

DELHI DEVELOPMENT AUTHORITYRespondent

Through: Ms. Mrinalini Sen, Advocate for
DDA/R-1 (Through VC)
Mr. Rajneesh Sharma, Ritank Kumar
and Mr. Anil Pandey, Advocates for
R-2

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. A very short point is involved in the present writ petition.
2. According to the petitioner, he was having land in Village Rajpur Khurd. By virtue of notifications issued under *Land Acquisition Act*, such land of the petitioner was acquired vide Award No. 22/1987-88.
3. The petitioner contends as per *Large Scale Acquisition Development and Disposal of Land in Delhi, 1961*, besides being entitled to compensation from the Land Acquisition Collector, he is also entitled to allotment of an alternative residential plot of land.
4. Petitioner, after receiving compensation from the Land Acquisition Collector, applied for such allotment of alternative residential plot.
5. Land & Building Department (respondent no. 2 herein) recommended



such allotment by sending a communication to DDA on 15.06.1988.

6. Petitioner, after the aforesaid communication, has been visiting the office of respondents, time and again, but the matter has been kept in abeyance, by citing one excuse or the other.

7. According to petitioner, the validity of award passed under Section 6 of Land Acquisition Act, with respect to the aforesaid acquisition, has already attained finality and, therefore, there is no impediment in allotting an alternative plot of land and since nothing was done by the respondents, he, under the aforesaid compelling circumstances, has filed the present writ petition.

8. Counter-affidavits have already been filed by the respondents.

9. It needs to be emphasized that though earlier the Land & Building Department, vide its letter dated 15.06.1988, had recommended DDA to allot a plot admeasuring 80 square yards to the petitioner, one more communication was sent by Land & Building Department to DDA on 08.08.1988 requesting the matter of the petitioner to be kept in abeyance.

10. However, thereafter, Land & Building Department apprised DDA on 20.09.2022 that such letter had been withdrawn by them.

11. Resultantly, the recommendation of allotment stood restored.

12. Ms. Mrinalini Sen submits that DDA has already filed an additional affidavit in which, they have clearly mentioned that the case of the petitioner is for allotment of 80 square yards alternative plot in a developing area and at present, no such plot is available in a developing area i.e. Narela. She submits that, even otherwise, such allotment is subject to availability of plots and as per seniority and other Rules. Moreover, DDA also wants some re-confirmation from respondent no.2 that the communication in question is



genuine as in past, several cases of forged communication got surfaced.

13. During course of the arguments, Ms. Sen learned counsel for DDA also emphasized that, earlier, when the Land & Building Department had sent them alleged communication on 15.06.1988, it was only in the nature of recommendation of allotment of an alternative plot. *She submits that when letter was sent to them, it was specified in the letter itself that the allotment would be subject to availability of plots with DDA and a caution note was also put in the same letter that such communication did not carry any legal commitment for the allotment of alternative plot.*

14. Learned counsel for the petitioner does not dispute that the aforesaid allotment is by way of recommendation only. He submits that despite the aforesaid recommendation, his name does not even figure in the seniority list, which has been already prepared by the respondents.

15. Learned counsel for DDA does agree that there is list of around 280 such eligible persons and the seniority has been drawn, while reckoning the date on which all those recommended persons had surrendered their respective possession with respect to the acquisition in question. She submits that the seniority of the present petitioner can also be considered in the similar manner. She denies there being any *pick and choose* policy and supplements that every such person, who has requisite recommendation in his favour, has to be treated equally, albeit, as per seniority list and as per the availability of plots.

16. She also submits that DDA is already in the process of carving out plots in the developing area. She states that as per the policy, such alternative plots are given in a developing area and the plots available in developed areas are put to auction. This, according to her, is in consonance



with the provisions of DDA Act and relevant Rules.

17. Learned counsel for petitioner submits that at the moment, he would be satisfied if on the basis of the subsequent communication sent by Land & Building Department, his name is merely considered as per seniority and as per availability of plots.

18. Learned counsel for *Land & Building Department* contends that there is no dispute with respect to the communications which they had sent to DDA with respect to entitlement/recommendation pertaining to the petitioner in question. He submits that these were duly forwarded to DDA. He also submits that if required, he would send copies of all these communications again to DDA so that there is no confusion of any sort.

19. Learned counsel for petitioner, thus, reiterates that he would be left with no grievance, in case the petition is disposed of by directing DDA to, at least, consider the aforesaid recommendation, subject to availability of plots and subject to his seniority and also as per the contents of communication whereby his name was recommended. He, however, submits that the seniority of petitioner may be considered in the manner as has been done with respect to similarly situated other persons, whose land were also acquired under the same acquisition process.

20. It need not to be emphasized that any such individual whose land is acquired for planned development of Delhi has no absolute right of allotment. Reference be made to *Ramanand v. Union of India & Ors.: 1993 SCC OnLine Del 397*. The grievance of the petitioner therein was that as per recommendation, he was entitled to allotment of a plot of larger size but DDA had not only reduced the size of the plot while doing allotment but also was demanding payment of exorbitant amount as premium. It was



contended that DDA was duty bound to allot him a plot of the size recommended and at the rate when his right of allotment had accrued.

21. In the aforesaid case, questions posed were as under:

- (i) *Whether a person whose land has been acquired for planned development of Delhi has got a vested right to the allotment of alternative plot of land for residential purposes?*
- (ii) *What is the relevant date with reference to which premium at predetermined rates would be chargeable from such a person for allotment of the residential plot – should it be the date when his land is acquired, or when he makes the application to the Administrator of the Union Territory of Delhi for allotment, or when the allotment is made by the Delhi Development Authority under the Nazul Rules?*

22. Interestingly, in the aforesaid case also, when the recommendation of allotment was made in favour of the petitioner therein, the communication contained similar kind of caution note which reads as under:-

“The allotment of alternative plot is subject to the availability of plot with the Delhi Development Authority. However, it may clearly be noted that this letter does not carry with the legal commitment for the allotment of alternative plot.”

23. The Full Bench of this Court held that any such individual, whose land had been acquired for planned development of Delhi, had no absolute right to allotment. *It observed that he was merely eligible to be considered for allotment of alternative plot for residential purpose and that DDA may allot Nazul land to such individual in conformity with the plans and subject to other provisions of Nazul Rules.*

24. The result can be, at best, same here, and nothing more.

25. Thus, evidently, petitioner cannot seek allotment as a matter or right though certainly he is entitled to be considered for allotment of plot, subject to provisions of Nazul Rules and subject to availability of plots and also as



per his seniority.

26. The present writ petition is disposed of while directing as under: -

- (i) DDA shall, in light of aforesaid recommendation dated 15.06.1988, would consider the case of petitioner and would add his name in the list of eligible candidates, by giving due seniority to him as per the prescribed parameters.
- (ii) If so required, DDA may seek fresh copies of relevant communication/letters from Land and Building Department for according its due satisfaction. However, such exercise be done swiftly.
- (iii) Land and Building Department shall render due assistance to DDA in this regard.
- (iv) Petitioner would be merely eligible for 'consideration of allotment' and said recommendation mentioned in letter dated 15.06.1988 would not *ipso facto* create any vested right of allotment in his favour.
- (v) Needless to emphasize, allotment, if any, would be subject to availability of plots with DDA, seniority and subject to other provisions of Nazul Rules.
- (vi) Let requisite intimation be sent by DDA to petitioner apprising him about his serial number in the seniority list, once it accords its due satisfaction.
- (vii) All such eligible persons need to be treated equally and, therefore, the petitioner be also treated at par.
- (viii) Since DDA is already in the process of carving out plots, this Court expects that such exercise is completed, preferably,



within a period of six months from today.

27. Petition stands disposed of in the aforesaid terms.

(MANOJ JAIN)
JUDGE

FEBRUARY 18, 2025/dr