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

% ***Date of Decision: 20th February, 2025***

\+ W.P.(C) 14169/2021 & CM APPL. 44691/2021

RAJENDRI DEVI .....Petitioner

Through: None.

versus

DELHI DEVELOPMENT AUTHORITY

.....Respondent

Through: Ms. Kritika Gupta, Advocate.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T *(oral)*

1. It is noticed that on the last date of hearing as well, there was no appearance from the side of petitioner.

2. Learned counsel for DDA, however, submits that issue is no longer *res integra* and, therefore, this petition can be disposed of, right away.

3. The petitioner had land in Mundhela Kalan Village, South West Delhi. It was acquired for "*planned development"* of Delhi.

4. The possession of land was taken from the petitioner and they were also paid compensation.

5. According to petitioner, there is a scheme known as *"Scheme of Large Scale Acquisition Development and Disposal of Land"* which was formulated by the *Government of India* in the year 1961 and as per the above said policy, any such petitioner, whose land is acquired for the development of Delhi is, besides, compensation, entitled to an alternative plot.

6. According to petitioner, as per her such entitlement, she was allotted alternative plot in Narela.

7. The grievance in the present writ petition is merely to the effect that though she was entitled for allotment of a plot in concerned zone i.e. South Zone where plots also available with the respondent, the respondent, while taking a decision against the spirit and aim of the rehabilitation policy, offered her an alternate plot in Narela.

8. Such allotment came her way as per the allotment letter dated 15.01.2019.

9. Petitioner contends that instead of Narela, she be allotted plot in the zones as per recommendation. According to her, as per the recommendation given by Land and Building Department, Delhi Administration, such alternate plot should have been in South Zone.

10. It will be also worthwhile to mention here that while filing the present writ petition, petitioner also claimed that there were connected matters involving similar issue and gave a list of 29 such matters.

11. Learned counsel for respondent submits that out of the above said 29 matters, 5 matters have already been disposed of by this Court and it is now settled legal position that no such petitioner can insist for allotment in any particular area. Such judgments are *Ram Kumar versus Delhi Development Authority and Another*: *2019 SCC OnLine Del 8312*, and common order dated 20.07.2022 passed in *Sh. Ved Prakash vs Union of India* in *W.P. (C) No. 4711/2018, Sh. Rajesh and Ors. versus Union of India* in *W.P. (C) No. 5014/2018, Sh. Munna Pal versus Union of India and Ors.* in *W.P. (C) No. 5291/2018* and *Sh. Subhash Chand and Ors versus Union of India and Ors.* in *W.P. (C) No. 5356/2018.*

12. It is submitted that in those cases also, the petitioners had been allotted plots at Narela and were seeking direction to DDA to allot them alternate plot in Dwarka. The grievance of the petitioners therein was, virtually, the same as they wanted allotment in a better zone i.e. Dwarka and their such contention was rejected while holding that, as a matter of policy, DDA never allotted plots at Dwarka, as Dwarka was already fully developed.

13. It has also been contended by learned counsel for DDA that, as a matter of policy, DDA does not allot plot in a developed area like Dwarka and that such type of allotment is done only with respect to those areas which are developing. It is submitted that Narela was a developing area and, therefore, the petitioner had not been offered alternative plot at Dwarka. It is argued that petitioner cannot, as a matter of right and also in view of the above policy, lay claim over any particular area, as such.

14. Reference be now made to *Ram Kumar versus Delhi Development Authority and Another* (supra) wherein this Court has, in no uncertain terms, observed as under:-

> *" 92. The only other aspect, which is required to be examined, is whether the petitioner would be entitled to allotment of an alternative plot at Dwarka, instead of Narela. That the policy, which would govern the allotment of the alternative plot, would be the policy in existence on the date of allotment, is no longer res integra, having been settled by a catena of authorities, including the judgment of the Supreme Court in Amolak Raj v. Union Of India, MANU/SC/1147/2002; JT 2002 (10) SC 86, on which Mr. Relan places reliance. In fact, Amolak Raj (supra) also effectively seals the submission, of Mr. Rao, that I should depart from the law laid down in Ramanand (supra). The facts, as noted by the Supreme Court in Amolak Raj (supra) disclose that, against the acquisition of his land, the appellant, before the Supreme Court, was allotted a plot of land, admeasuring 250 square yards, in the Rohini Residential Scheme". Dissatisfied with the said allotment, the appellant moved this Court, contending that he was entitled to allotment of a plot admeasuring 800 square yards. He also complained about the area in which the allotment had been made. The Supreme Court noted the reliance, by this Court, on its earlier Full Bench judgment in Ramanand (supra), in the*

following words:

> *"The full bench of the High Court in the case of Ramanand (supra), noticed in the impugned judgment, held that a person whose land has been acquired has no absolute vested right to claim allotment of a plot as a matter of right; of course if a scheme provides for allotment of alternative plot, the same could be considered based on the scheme and the policy; it is clear from the records that the scheme of allotment of alternative plots for the persons whose lands are acquired was modified from time to time; the appellant was allotted a plot as per the prevailing policy and the scheme as on the date of allotment. In our view, the appellant could not claim to be allotted a plot in a particular area of his choice, even the recommendation made in his favour as extracted above clearly shows that allotment of alternative plot was subject to availability of plot with the DDA and that recommendation for allotment was not a legal commitment for allotment of alternative plot. In this view, the High Court was right in dismissing the writ petition following its earlier full bench judgment."*
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> *93. Mr. Rao, too, candidly admitted that the policy, governing the allotment of the alternative plot, would be as existing on the date of allotment.*
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> *94. As regards the policy of the DDA, regarding allotment of alternative plots to persons whose lands were acquired, Mr. Relan has invited my attention to the communication, dated 24th November, 2005 supra, addressed by the Delhi Development Authority, Land Costing Wing [Projects Branch], clearly stating that alternative plots could not be allotted in Dwarka as it was a developed area. This communication remains unchallenged. Furthermore, the minutes of the meeting, dated 6th February, 2018, of the Screening Committee of the DDA, too, refers to the "decision taken in 2006 regarding allotment of alternative plots only in upcoming projects" which, apparently, has not been revisited till date. It is apparent, therefore, from the record, that, since 2005/2006, there has been an extant policy, of the DDA, not to allot "alternative plots", to persons whose lands stood acquired, except in upcoming projects, or in developing areas. A policy decision stands taken, by the DDA, not to allot' alternative plots" in areas which have, with the passage of time, developed, and the land value of which has increased multifold. The wisdom of this policy is not called into question in the present writ petition; consequently, the DDA cannot be faulted in deciding to allot, to the petitioner, the alternative plot at Narela, instead of Dwarka. The petitioner had, indeed, been allotted an alternative plot at Dwarka on 25th June, 2010, when the area was still developing, but, owing to the petitioner's own lassitude, the allotment could not fructify. Opportunity, however, never knocks twice, and the*

petitioner cannot, now, seek to capitalize on the benevolence of the DDA in allotting the petitioner yet another alternative plot, despite his having foregone the allotment made in his favour in 2010, by his own default.

95. The decision, of the DDA, to allot "alternative plots", which, by virtue of the law, have necessarily to be allotted at predetermined rates, only in developing areas, and not in areas which stand fully developed and in which land values have escalated, is backed by sound commercial considerations, which are inextricably intertwined with good governance. The development of Delhi is, constitutionally and statutorily, vested in the DDA, and depletion of its coffers can never be in public interest.

96. There is another, and more empirical, aspect of the matter. It cannot be said, with any modicum of legitimacy, that the DDA has any axe to grind against any person to whom land is to be allotted by it, or that it acts mala fide in that regard. To be fair, no such mala fides have been alleged, either, by the petitioner. The decision of allotment of alternative plots, to persons whose lands have been acquired, is, at all times, essentially and fundamentally a decision of policy. So long as the decision does not result in unconstitutional, or unjust, deprivation of the right of the citizen to property, it remains substantially immune from judicial review. Courts are not the best, or even the better, arbiters of the areas in which alternative plots are to be allotted, or the price at which such allotments are to take place. Caution and circumspection must necessarily inform the decision of any court which is called upon to sit in judicial review over policy decisions. Policy decisions which derogate from public interest, unquestionably, may be justifiably decapitated by the judicial scimitar. However, assessment of public interest is itself an intricate, and involved, exercise, and the court must desist from the temptation of adopting any watchdog approach in this regard. The DDA, like any public authority of similar standing, is presumed to act in public interest, and in full awareness thereof. The ultimate duty of the DDA is to ensure the development of Delhi as efficiently, and in as optimum a manner, as is possible, and, in discharging the said duty, the DDA has necessarily to be allowed the latitude to exercise discretion, vested in it for the said purpose, as it thinks best. Even if, in a given case, the Court were to feel that the DDA could have acted otherwise, restraint has, nevertheless, to be exercised, and deference accorded to the subjective discretion conferred, by law, on the DDA.

97. Thus viewed, it is clear that the petitioner cannot claim any enforceable right to be allotted an alternative plot at Dwarka, or that such allotment should be at a price which is "commensurate to the rate at which" his land was acquired in 1981.

Conclusion

> *98. For the foregoing reasons, I am of the opinion that the prayers in the writ petition cannot be granted.*
> *99. The writ petition, accordingly, stands dismissed, with no order as to costs."*

15. While relying on the above said judgment of *Ram Kumar versus Delhi Development Authority* (supra), this Court *vide* aforesaid common order dated 20.07.2022 also came to the same conclusion. Learned Single Judge also observed that the legitimacy and validity of the resolution in question had already been tested and upheld in *Ram Kumar versus Delhi Development Authority and Another* (supra) and, therefore, there was no ground to entertain those petitions and, accordingly, all those writ petitions were dismissed.

16. It needs no discerning eyes to find out that the position is identical in the present case also. Therefore, in view of the abovesaid settled legal position, petitioner cannot stake her claim to alternative allotment in a better zone or a developed area.

17. Moreover, any such individual, whose land is acquired for planned development of Delhi, has no absolute right of allotment, even. 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.

18. 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?*

19. 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.*

20. Thus, evidently, since any such claimant has no absolute or vested right in seeking allotment of alternative plot, such claimant cannot, as a necessary corollary, seek allotment of plot in a particular area.

21. Be that as it may, this Court does not find any merit in the present writ petition and the same is, accordingly, dismissed.

22. No order as to costs.

(MANOJ JAIN)
JUDGE

FEBRUARY 20, 2025/*sw*