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* **IN THE HIGH COURT OF DELHI AT NEW DELHI***Date of Decision:- 14.05.2026*+ **LPA 339/2026, CM APPL. 30253/2026 & CM APPL. 30254/2026**
INDIAN OIL CORPORATION LTDAppellantThrough: Mr. Sandeep Sethi, Senior Advocate
along with Ms. Mala Narayan, Mr.
Shashwat Goel & Ms. Anjali Dhingra,
Advocates.

versus

LAND AND DEVELOPMENT OFFICER & ORSRespondents

Through: Mr. Anil Kaushik- ASG along with
Mr. Rajat Rana, Mr. Pranjal Singh,
Advocates & Mr. Rajarshi Sharma-
Senior Court Assistant for
Respondent No.3/Supreme Court of
India.
Mr. Arun Birbal, Advocate for
Respondent No.5/Delhi Development
Authority.

AND

+ **LPA 353/2026, CM APPL. 31895/2026, CM APPL. 31896/2026,**
CM APPL. 31897/2026, CM APPL. 31898/2026 & CM APPL.
31899/2026

KAVITA CHOPRAAppellant

Through: Mr. Zoheb Hossain, Mr. Sanjeev
Menon, Mr. Vivek Gurnani, Mr.
Rishabh Duggal, Mr. Ram Kuber
Singh & Ms. Aditi Bhushan,
Advocates.



versus

UNION OF INDIA & ORS. & ORS.

....Respondents

Through: Mr. Jivesh Kr. Tiwari- CGSC along with Ms. Nandini Aggarwal & Ms. Samiksha, Advocates for Respondent No.1/Union of India.

Mr. Sandeep Sethi, Senior Advocate along with Ms. Mala Narayan, Mr. Shashwat Goel & Ms. Anjali Dhingra, Advocates for Respondent No.2/IOCL.

Mr. Anil Kaushik- ASG along with Mr. Rajat Rana, Mr. Pranjal Singh, Advocates & Mr. Rajarshi Sharma- Senior Court Assistant for Respondent No.3/Supreme Court of India.

Ms. Mrinalini Sen- Standing Counsel for Delhi Development Authority.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJAS KARIA

DEVENDRA KUMAR UPADHYAYA, CJ. (ORAL)

1. These two intra-Court appeals, one filed by the Indian Oil Corporation Limited (hereinafter referred to as IOCL) and the other by Ms. Kavita Chopra, seek to take an exception to the judgment dated 16.03.2026 passed by the learned Single Judge whereby W.P.(C) 5281/2024 instituted by IOCL and W.P.(C) 5301/2024 instituted by Ms. Kavita Chopra, have been dismissed.

2. At this juncture itself, we may indicate that by instituting the aforesaid writ petitions, challenge was laid to the letter dated 12.03.2024 issued by the



Land and Development Office, Ministry of Housing and Urban Affairs, Government of India (hereinafter referred to as L&DO) to the IOCL requesting the IOCL to hand over the land at IP Estate Plot no.1 adjoining CNG Station. The letter also states that any payment/charges that may be due to be adjusted/recovered can be conveyed to the IOCL before the process of hand over.

Challenge was also made to the letter dated 06.11.2023 issued by the L&DO, whereby the approval granted by the Housing and Urban Affairs Minister for allotment of land admeasuring 0.59 acre abutting front side of the earlier allotted land behind petrol pump near ITO to Supreme Court of India for setting up of Supreme Court Archives/Lawyers Chambers, was conveyed to the Director General, Central Public Works Department (CPWD). The said letter also provides that such allotment to the Supreme Court of India is subject to the condition that ownership of the plot shall continue to be with L&DO, and the building will be constructed and maintained by CPWD for housing archives of Hon'ble Supreme Court, with the Supreme Court bearing the maintenance charges. The letter also conveyed that the handing over/taking over of the land in question was scheduled to be held on 10.11.2023, and accordingly, it was requested that the concerned Executive Engineer in-charge be directed to carry out the handing over/taking over of the land parcel.

3. The letter/order dated 12.03.2024, which was challenged in the proceedings of the aforesaid writ petitions, was issued in terms of Clause 2 of the terms and conditions of the allotment of the subject land to IOCL *vide* allotment letter dated 18.07.2016. By means of the allotment letter dated



18.07.2016, the subject land was allotted to IOCL in lieu of their land at Willingdon Crest New Delhi, on certain terms and conditions, one of which clearly provided that allotment was on a purely temporary basis for a period of five years in the first instance. It also provides that further extension of the temporary lease beyond five years will be at the sole discretion of the lessor. Clause 2 of the letter of allotment dated 18.07.2016 is extracted herein below:-

“2. The allotment shall be on purely temporary basis for a period of five years in the first instance. The further extension of temporary lease beyond five years will be on the sole discretion of the Lessor.”

4. Thus, in terms of Clause 2 of the allotment letter dated 18.07.2016, the period of allotment expired on 17.07.2021; however, no further extension was accorded, though the IOCL is said to have continued to deposit the license fee upto the year 2023, which is said to have been duly acknowledged by the L&DO. It is apparent from a perusal of clause 2 of the allotment letter dated 18.07.2016 that after expiry of the initial term of allotment of five years, any further extension was at the sole discretion of the lessor, i.e. L&DO. It is also clear that the allotment dated 18.07.2016 was made purely on temporary basis.

5. Accordingly on expiry of the period of five years from the date of allotment i.e. 18.07.2016, in absence of any extension granted by L&DO, the IOCL does not have any indefeasible right to use the said land in any manner or to keep its possession and, therefore, so far as the order dated 12.03.2024 issued by the L&DO requiring the IOCL to handover the possession of the subject land is concerned, we do not find any infirmity in



the said communication dated 12.03.2024.

6. Learned Single Judge has accordingly recorded a categorical finding that the IOCL does not have any indefeasible right to seek continued allotment of the land in question and if after expiry of the initial period of allotment of five years, no extension was granted and L&DO has taken a decision to re-allot the land to Supreme Court of India in wider public interest, no exception can be taken to such re-allotment of land to Supreme Court of India only on the ground that land was earlier allotted to IOCL. Learned Single Judge has also observed that on one side is the commercial interest of the IOCL and Ms. Kavita Chopra, whereas on the other, is the larger public interest. Learned Single Judge has thus arrived at a conclusion that the IOCL or even Ms. Kavita Chopra do not have any vested right over the land in question and, therefore, in our considered opinion, he has rightly refused to interfere with the letter/order dated 12.03.2024 issued by L&DO requiring the IOCL to handover the possession of the land in question.

7. There is another aspect of the matter which is in relation to allotment of another parcel of land by L&DO to IOCL for resitement of petrol pump, which was run by Ms. Kavita Chopra under a dealership agreement with M/s Indian Oil Corporation Limited.

8. The learned Single Judge in the impugned judgment has noticed that subsequent to filing of the writ petitions L&DO has allotted some alternate land to IOCL *vide* letter dated 13.08.2024, however according to the IOCL and Ms. Kavita Chopra the alternate land does not fulfil the requirement of safety guidelines dated 07.01.2020 issued by the Ministry of Commerce and Industry and also the provisions contained in the notification of the Delhi



Development Authority, dated 08.03.2019 for the reason that a vent pipe in the petrol pump is within thirty meters from the residential houses/hospitals/schools/temples. Learned Single Judge has also noticed that the impediment in setting up a petrol pump at an alternate site as offered by the L&DO was pointed out to the L&DO *vide* letters dated 28.08.2024 and 06.09.2024.

9. An affidavit in the proceedings of the writ petitions was filed on behalf of the Ministry of Commerce and Industry, which pointed out that the non-suitability of the alternate site for setting up the petrol pump is not merely because of its proximity to residential houses/hospitals/schools/temples but there are various other reasons as well. It was also stated in the said affidavit that the requirement for installation of dispenser and compliance with the safety measures would not be satisfied at the alternate site.

10. The learned Single Judge while discussing the aforesaid aspect of the matter, has recorded a finding that if in law IOCL is entitled for allotment of alternate land, the same will have to be considered by L&DO in accordance with its policy and keeping in mind the intended use of the alternate site. The learned Single Judge has also observed in the impugned order that any alternate land if does not comply with the requisite guidelines/notifications, would not serve any purpose and, therefore, has directed the L&DO to keep all the aforesaid aspects in mind and pass an appropriate order within three months. Thereafter taking note of all the relevant aspect of the matter, learned Single Judge *vide* the impugned judgment and order has directed the petitioner of W.P.(C) 5301/2024 to vacate the land in question by



30.05.2026 failing which it would be permissible for L&DO to take recourse to suitable remedies in accordance with law. The learned Single Judge has also provided that L&DO shall also be at liberty to levy charges for overstay by the writ petitioners if they do not vacate the land in question on or before 30.05.2026.

11. Learned Senior Counsel representing the IOCL – Mr.Sandeep Sethi as also the learned counsel representing Ms.Kavita Chopra, Mr.Zoheb Hossain, have drawn our attention to the affidavit dated 06.01.2025, which was filed in the proceedings of the writ petitions before the learned Single Judge, wherein *inter alia* it was stated that the IOCL had submitted a drawing/proposed site and layout plan for setting up the petrol pump and the layout clearly shows that the alternate land parcel is adjacent to an existing CGHS Residential Society and its front portion falls on a 45 metre wide road emanating from Dwarka Sector 21 Metro Station that goes to Dwarka Sector 22. It was also stated in the said affidavit that the back portion and the left side of the said plot have open lands, where the re-allotted plot can easily be shifted. Keeping in view the averments made in the affidavit dated 06.01.2025, we, on 12.05.2026, directed the learned counsel representing the L&DO to seek instructions specifically in relation to the contents of paragraph 4 of the said affidavit dated 06.01.2025.

12. Pursuant to our order dated 12.05.2026, learned counsel for the L&DO has stated that a request has been made by L&DO to the Delhi Development Authority to examine the feasibility of shifting of the allotted plot at Community Centre, Sector 22, Dwarka by thirty metres or as may be technically required, into the adjacent vacant/open land away from the



residential complex in the vicinity so that the proposed petrol pump meets all statutory safety norms. The said request has been made by L&DO to the Delhi Development Authority *vide* letter dated 13.05.2026, which has been tendered to the Court and is taken on record.

13. In view of the aforesaid discussions made and reasons given, we do not find any infirmity in the impugned judgment passed by the learned Single Judge.

14. Resultantly, the appeals, along with pending applications, are hereby dismissed. So far as the resitement of the petrol pump is concerned, the learned Single Judge in the impugned order has already directed the L&DO to pass appropriate orders for allotment of alternate land keeping in view the concerns raised by the writ petitioners regarding the suitability of the alternate land proposed for allotment for setting up the petrol pump. As already noticed above, a request for shifting the proposed land for allotment by 30 meters has already been made by the L&DO to the Delhi Development Authority, and accordingly, we expect that an appropriate decision in this regard shall be taken by L&DO at the earliest.

15. Before parting, we reiterate the directions given by the learned Single Judge in the impugned judgment, whereby the writ petitioners have been directed to vacate the land in question by 30.05.2026.

16. There will be no orders as to costs.

DEVENDRA KUMAR UPADHYAYA, CJ

TEJAS KARIA, J

MAY 14, 2026/S.Rawat