



2026:DHC:9364-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of decision: 14.10.2026***# **CNR No. DLHC010005002015**+ **W.P.(C) 2326/2015****BHAGE RAM AND ORS.**

.....Petitioners

Through: **Mr.Rajesh Kumar Gupta, Adv.**

versus

GOVT. OF NCT OF DELHI AND ORS.

.....Respondents

Through: **Ms.Niharika Ahluwalia,
Ms.Aarushi Gupta & Ms.Divya
Kashyap, Advs. of DDA.
Ms.Siddharth Panda & Mr.Anil
Pandey, Advs. for R-2/Review
Petitioner.****CORAM:****HON'BLE MR. JUSTICE NAVIN CHAWLA****HON'BLE MR. JUSTICE ARUN BHARDWAJ****NAVIN CHAWLA, J. (ORAL)****CM APPLs. 6134-35/2019 in REVIEW PET. 50/2019**

1. This Review Petition has been filed by the respondent no. 2 in the above Writ Petition, seeking review of our judgment and order dated 16.05.2017 passed therein.

2. It has been contended in the Review Petition that as the records pertaining to the land in question were very old, the files were not traceable, and some files had also been transferred from District South to District South East, due to inadvertence, the correct facts could not be placed before this Court at the time of passing of the judgment and order dated 16.05.2017. After passing of the said order, efforts were



2026:DHC:9364-DB



made to trace the entire record and on the mistake being realised, the present Review Petition has been filed, albeit with a delay of 414 days in filing and a further delay of 152 days in re-filing.

3. Along with the Review Petition, the review petitioner has also placed on record the copies of Form CC, Form A, letter dated 16.08.1961, and Offer No. 1337, to contend that not only the possession of the land in question had been taken over by the concerned authority, but also the entire compensation had been paid to the petitioner no.1 and the predecessors-in-interest of petitioner nos.2 to 4.

4. As far as the delay is concerned, we find that even as per the Writ Petition, the land in question had been acquired *vide* notifications and Award of the vintage of 1962, however, the Writ Petition itself was filed only in 2015, that is, after a considerable delay. While the respondent should have been more vigilant in filing of its Counter Affidavit and placing the correct facts on record, it remains undisputed that the land, if properly acquired and compensation paid, would be a public land which should not be allowed to be wasted away only because of the inefficiency of the department.

5. For the aforesaid reasons, we condone the delay in filing and re-filing the present Review Petition. The applications are accordingly allowed.

REVIEW PET. 50/2019

6. The Writ Petition has been filed relying upon the provisions of the Right to Fair Compensation and Transparency in Land



2026:DHC:9364-DB



Acquisition, Rehabilitation and Resettlement Act, 2013 and asserting that the possession of the land in question was not taken over and the compensation not paid pursuant to the land acquisition proceedings.

7. The Writ Petition was allowed by the judgment dated 16.05.2017 recording the submission of the respondents as under:-

"The appropriate Government through the Land Acquisition Collector has stated inter alia in its counter affidavit as follows"-

"6. That the land in question i.e., Khasra No. 1127/360/1(1-f), 363/2 (5-08), 552/1 (1-Q), 1127/360/2 (0-15), 363/1 (0-01), 491 (2-19) and 361 (2-0) total admeasuring to 13 bighas 06 biswas situated at the revenue estate of village Bahapur, New Delhi were acquired vide award nos. 1364 dated 23.07.1962, 1051 dated 27.09.1960, 1337 dated 27.09.1960 and 1342 dated 20.06.1962, respectively after considering the claims of the claimants.

7. That in the present case the possession of the land bearing Khasraj No. 1127/360/1 (1-03) was taken over on 13.06.1963, Khasra No. 363/1 (0-01) was taken over on 21.8.2007 and Khasra No. 361/1 (2-01) was taken over and handed over to the beneficiary department on 10.08.1962. However, possession of Khasra No. 491 (2-19), 363/2 (5-08), 552/1 and 1127/360/2 (0-15) was not taken over. The compensation with respect to Khasra No.361/1 (2-01) was forwarded on 05.07.1968 to the court of Ld. ADJ under section 30/31 of the Land Acquisition Act. Remaining amount of compensation was not paid to the recorded owners."

3. It is evident that in the present case, the compensation was deposited with the



2026:DHC:9364-DB



concerned authority only in respect of Khasra no.361/1 (2-01) when it was forwarded on 50.07.1968. However, the averments are clear that compensation was not paid to the recorded owner in respect of the balance amount.”

8. The review petitioner asserts, on the basis of the documents now filed with the Review Petition, that not only the possession of the land had been taken over, but even the compensation for the same had also been paid to the petitioner no.1 and the predecessors-in-interest of the petitioner nos.2 to 4. Though, the said assertion is denied by the petitioners, who maintain that they still remain in possession of the land in question, we are of the view that as the basis of the impugned judgment was a submission alleged to be incorrectly made by the respondents in the Writ Petition, our judgement dated 16.05.2017 deserves to be recalled.

9. Accordingly, the Review Petition is allowed and the judgment and order dated 16.05.2017 of this Court passed in the above Writ Petition is recalled. The Writ Petition is restored back to its original number.

W.P.(C) 2326/2015

10. As noted hereinabove, the present Writ Petition has been filed relying upon the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and asserting that the possession of the land in question was not taken over and the compensation not paid pursuant to the land acquisition proceedings. The Writ Petition claims the following



2026:DHC:9364-DB



reliefs:-

“a) Issue a writ of mandamus , or any other suitable writ, order of direction in like nature thereby holding that the acquisition proceedings resulting from the 1364, 1051, 1337 and 1342 of entire land falls in Khasra No. 1127/360/1(1-03), 363/(5-08), 552/1(1-0), 1127/360/2(0-15), 363/1(-01), 491(2-19) AND 361(2-0) total measuring area 13-06 respectively situated in the revenue estate of Village-Baha pur, District-South East, New Delhi is null, void and all subsequent proceedings conducted there in stood lapsed in view of the provisions of Section 24(2) of Right to fair Compensation and transparency in Land Acquisition, Rehabilitation And Resettlement Act, 2013.

b) Direct the respondent no. 3 to release the aforesaid land of the petitioners forming part of khasra no. 1127/360/1(1-03), 363/2(5-08), 552/1(1-0), 1127/360/2(0-15), 363/1(-01), 491(2-19) AND 361 (2-0) total measuring area 13-06 respectively situated in the revenue estate of Village-Baha pur, District-South East, New Delhi.”

11. The review petitioner asserts, on the basis of the documents now filed with the Review Petition, that not only the possession of the land had been taken over, but even the compensation for the same had also been paid to the petitioner no.1 and the predecessors-in-interest of the petitioner nos.2 to 4. We quote from the Review Petition as under:-

“3. That the Respondent had filed its counter affidavit in the above said case and in the said affidavit, the Respondent has inadvertently stated that compensation except khasra no. 361/1 was not paid. However, khasra



2026:DHC:9364-DB



no.1127/360/1 (1-03), 363/2 (5-08) and 552/1 (1-0) was acquired vide award no. 1364 and possession was taken over on 13.06.1963 and compensation was paid to the recorded owners on 10.05.1963 & 21.05.1963. The possession of Khasra No. 1127/360/2 (0-15) and 363/1 (0-01) was taken over on 21.08.2007 and compensation was also paid. These lands were acquired vide Award no. 1051. The Possession of Khasra No. 361/1 was 10.08.1962 and compensation was forwarded to the court of ADJ under Section 30-31 of the Land Acquisition Act, 1894 on 05.07.1968. Further, possession of 491 (2-19) was taken over and compensation was also paid to the recorded owner, these fact are clearly recorded in the Offer no. 1337. It is pertinent to mention here that this land was acquired under Resettlement of Displaced persons Land Acquisition Act, 1948 and not under Land Acquisition Act, 1894. Thus, it is clear from these facts that the petitioners have concealed these facts from this Hon'ble Court.

Copies of Form -CC, Form -A and letter dated 16.08.1961 and Offer no. 1337 alongwith its typed copies are annexed herewith and marked as ANNEXURE R -2/2 (Colly)."

12. Though, in spite of opportunity granted, no reply was filed by the Writ Petitioners to the Review Petition, the above said assertion of the Review Petitioners is denied by the Writ Petitioners, who maintain that they still remain in possession of the land in question.

13. We are of the view that these, being disputed assertions of fact requiring evidence, would be matters which would be best determined and should be left to be determined by way of appropriate civil proceedings, and not on the basis of affidavits filed in a Writ Petition under Article 226 of the Constitution of India.



2026:DHC:9364-DB



14. We, therefore, refuse to exercise our extraordinary discretionary jurisdiction in the present Writ Petition, leaving it open to the petitioners to avail of their alternate remedies in accordance with law, if they have any grievance with the actions or inactions of the respondents.

15. The petition is, accordingly, dismissed with liberty as mentioned above.

NAVIN CHAWLA, J

ARUN BHARDWAJ, J

OCTOBER 14, 2026/rv/Yg