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

Date of Decision: 10th July, 2026.

+ W.P.(C) 923/2016

DHOOM SINGH

.....Petitioner

Through: Mr. Abhishek, Advocate.

versus

GOVERNMENT OF NCT OF DELHI AND ANR

.....Respondents

Through: Ms. Ishika Jindal and Mr. Prashant
Diwan, Advocates for R-1 & 2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

JUDGMENT

SANJEEV NARULA, J. (Oral):

1. This petition concerns a claim for allotment of an alternative plot which remained under consideration of the Land and Building Department [*“the Department”*] for several decades, but was eventually rejected on the ground that the application had been made beyond the prescribed period.
2. The Petitioner assails the decision of the Recommendation Committee dated 16th August, 2013, and the consequential communication dated 11th September, 2013, whereby the application made by his predecessor, late Mr. Santa, was rejected as time-barred. The decision proceeds on the premise that compensation was received on 9th December, 1982, whereas the application for an alternative plot was made on 4th October, 1988.

Factual Background

3. Land situated in Village Dallupura, which stood in the name of Mr.



Sullar, the grandfather of the Petitioner, was acquired for the planned development of Delhi under Award No. 2052 dated 30th December, 1967. Mr. Sullar died on 28th April, 1980. His son, Mr. Santa thereafter pursued the claim for allotment of an alternative plot under the 1961 Scheme for Large Scale Acquisition, Development and Disposal of Land in Delhi [*“LSADD Scheme”*].

4. According to the Petitioner, Mr. Santa first applied for an alternative plot in 1982. The original application is no longer available. The Petitioner relies upon a departmental communication bearing No. F.30(21)/1/82/L&B/PHC dated 6th March, 1982 whereby the Department sought verification from the Land Acquisition Collector [*“LAC”*] regarding the acquisition and compensation particulars, a copy whereof was endorsed to Mr. Santa.

5. In an additional affidavit filed pursuant to an order of this Court dated 14th January, 2020, the Respondents stated that the Department’s Receipt and Issue Branch had verified that the communication dated 6th March, 1982 was dispatched to the LAC under dispatch No. 9124, with a copy to Mr. Santa under dispatch No. 9125. The Respondents further stated that the file bearing No. F.30(21)/1/82/L&B/Alt. could not be traced in the concerned branch and was *“not consigned in the Central Record Room”*. Mr. Santa subsequently addressed a letter dated 13th June, 1983 to the Department referring to the earlier communication addressed to the LAC and stating that, although more than a year had elapsed, no decision regarding allotment of an alternative plot had been communicated to him. He requested that the plot be allotted at the earliest.

6. According to the Petitioner, Mr. Santa was subsequently informed that his request had not been made in the prescribed form. He accordingly



submitted the prescribed application form on 26th September, 1988, which was received by the Department on 4th October, 1988. In the column requiring disclosure of any earlier application, Mr. Santa stated that he had “*applied the year 1982*”. A separate representation submitted along with the prescribed application referred to the earlier file bearing No. F.30(21)/1/82/L&B/Alt. Mr. Santa stated that he had applied in 1982; the case had been closed because, owing to his illiteracy, he could not furnish the requisite documents; and the papers already available in the earlier file should be considered. He also referred to another application made on 11th July, 1988 and a communication dated 19th August, 1988.

7. Following the prescribed application, the Department called upon the LAC to furnish the acquisition and compensation particulars and a report dated 23rd March, 1989 was thereafter submitted by the LAC. By a communication dated 19th March, 1993, the Department closed the case on account of non-compliance with certain requisitions for documents.

8. Mr. Santa subsequently furnished further documents on 2nd November, 1996. The matter was thereafter placed before the committee constituted for dealing with applications for allotment of alternative plots. The minutes of the meeting held on 17th April, 1997 separately classified the matters placed before the committee under the heads “*Cases for Rejection*”, “*Condonation*” and “*Reopening*”. Mr. Santa’s case figured at Serial No. 13 under the head “*Reopening*”. The minutes record:

“18 cases have been considered for re-opening. All the papers and formalities for re-opening have been completed in branch in these files. D.S. (Alt.) informed the Committee that all the formalities have been completed in r/o re-opening of these cases. All the 18 cases have been re-opened by the Committee.”



9. Thereafter, the Department continued to process the application. In 1998, it again called upon the LAC to verify the acquisition particulars, compensation and other relevant details in relation to Award No. 79/82-83. Further clarifications were sought in 1999. Mr. Santa obtained and furnished compensation-payment certificates. In March 2000, the Department again called upon the LAC to verify the ownership, award, compensation, area and share of the applicant. The Department thereafter sought clarification regarding discrepancies in the reports concerning Mr. Santa's share in the acquired land. Reminders continued to be issued until 2005. On 2nd August, 2005, the LAC furnished a further clarification regarding the respective shares of Mr. Sullar and Mr. Santa.

10. Mr. Santa died on 6th April, 2008. A deficiency letter dated 3rd September, 2008 was nevertheless addressed in his name, requiring supporting revenue records, legal-heir documents, payment certificates and other documents. The Petitioner subsequently furnished further documents. On 21st April, 2009, the Deputy Secretary (Alternative) informed the office of the concerned Minister that, upon completion of the requisite formalities, the case would be placed before the alternative allotment committee for a decision in its turn. The Petitioner thereafter submitted further documents on 15th June, 2009.

11. On 21st August, 2012, the Department issued communications to the Petitioner and the LAC requiring documents and verification of the particulars of the acquired land, the award, the compensation and the applicant's share.

12. The case was ultimately placed before the Recommendation Committee in its meeting held on 16th August, 2013. Insofar as Mr. Santa's



claim was concerned, the Committee recorded:

“The case was considered by the Committee and it was observed that as per LAC report dated 23.03.89 (P.4/C), the applicant received the compensation of the acquired land on 09.12.82 and applied for allotment of alternative plot on 04.10.88. As per the circular dated 14.09.87, the recorded owner whose land was acquired should apply for alternative plot within a period of three months from the date of the receiving compensation. In the present case, the applicant has applied for alternative plot on 04.10.88 which is beyond the prescribed time limit of three months. Since the case of the applicant is time barred, hence REJECTED.”

13. The aforesaid decision was communicated to the Petitioner by the impugned letter dated 11th September, 2013.

Petitioner’s Contentions

14. In support of the petition, Mr. Abhishek, counsel for the Petitioner, makes the following submissions:

14.1. The finding that Mr. Santa first applied for allotment of an alternative plot on 4th October, 1988 is demonstrably contrary to the record. The Department’s communication dated 6th March, 1982, the dispatch register, Mr. Santa’s letter dated 13th June, 1983, and the declarations contained in the prescribed application and the accompanying representation submitted in 1988 establish that the claim had been initiated in 1982. The prescribed application submitted in September 1988 was merely in compliance with the advice of departmental officials and constituted a continuation of the earlier proceedings initiated in 1982, rather than a fresh application.

14.2. The Respondents cannot take advantage of their inability to produce the 1982 file. The file was maintained by the Department and, by its own admission, was neither traceable in the concerned branch nor ever consigned to the Central Record Room.



14.3. The competent committee expressly reopened the case in 1997 after expressly recording that the “*formalities for re-opening have been completed*”. The claim was thereafter processed on merits for several years. The Department repeatedly sought information regarding title, acquisition, compensation, the applicant’s share and legal-heir documents. Even the communication dated 19th March, 1993 closed the case only on account of non-submission of documents and not on the ground that the application was barred by limitation, demonstrating that the Department itself did not treat the claim as time-barred. Such repeated processing would itself have been wholly unnecessary had the Department considered the claim to be barred by limitation. The Respondents, therefore, could not, after keeping the claim alive for more than two decades, disregard the entire history of the proceedings and reject it on the bare assertion that the application had been made for the first time in 1988.

14.4. Reliance is placed on *GNCTD v. Sanjay & Ors.*¹, *GNCTD v. Dalel Singh & Anr.*² and *Land & Building Department Govt of NCT of Delhi v. Lalit Kumar*³, to contend that a claim under the rehabilitative scheme ought not to be rejected mechanically on the ground of limitation without considering the relevant facts and circumstances surrounding the claim.

Respondents’ Contentions

15. Opposing the petition, Ms. Ishika Jindal, counsel appearing for Respondents No. 1 & 2, submits as follows:

15.1. According to the report of the LAC, compensation in respect of the acquired land was received on 9th December, 1982, whereas the prescribed

¹ 2017 SCC OnLine Del 7586.

² LPA No. 605/2018, decided on 26th October, 2018.



application for allotment of an alternative plot was received by the Department only on 4th October, 1988. The application was, therefore, beyond the period of three months prescribed under the public notice/circular dated 14th September, 1987, which required a recorded owner whose land had been acquired to apply within three months from the date of receipt of compensation.

15.2. The LSADD Scheme is rehabilitative in character and is not an open-ended scheme. A person seeking rehabilitation is expected to act with reasonable promptitude and cannot seek the benefit of the Scheme after an inordinate delay. Reliance is placed on *Sunder Singh v. Union of India & Ors.*⁴, *GNCTD v. Jagdish Singh*⁵ and *GNCTD v. Jangli Ram & Ors.*⁶.

15.3. Allotment of an alternative plot is not a vested right. At best, an applicant has a right to have his claim considered in accordance with the applicable policy. Reliance is placed on the decision of the Full Bench of this Court in *Ramanand v. Union of India & Ors.*⁷.

15.4. The original application allegedly submitted in 1982 is unavailable. Although the Department has verified, on the basis of the dispatch register, that a communication dated 6th March, 1982 was dispatched to the LAC, with a copy to Mr. Santa, the original file bearing No. F.30(21)/1/82/L&B/Alt. could not be traced and was not found to have been consigned to the Central Record Room. Consequently, the contents of the communication dated 6th March, 1982 cannot now be ascertained. No entry of Mr. Santa's letter dated 13th June, 1983 was found in the diary register.

³ LPA No. 420/2019, decided on 1st July, 2019.

⁴ 2008 SCC OnLine Del 1374.

⁵ 2012 SCC OnLine Del 1445.

⁶ 2015 SCC OnLine Del 10141.



15.5. Upon the Petitioner's case maturing in terms of seniority and completion of the requisite formalities, it was placed before the Recommendation Committee in its meeting held on 16th August, 2013. The Committee, having regard to the available record and the applicable policy, found the application to be barred by limitation and consequently rejected the claim, which decision was communicated to the Petitioner by letter dated 11th September, 2013.

Issues for Determination

16. In light of the record and the rival submissions, the following questions arise for consideration:

- a. Whether the finding that Mr. Santa first applied for allotment of an alternative plot on 4th October, 1988 is sustainable in light of the record;
- b. What is the legal effect of the decision dated 17th April, 1997 reopening the case and the subsequent departmental processing of the Petitioner's claim; and
- c. What relief, if any, is the Petitioner entitled to?

Analysis

The Governing Legal Framework

17. The LSADD Scheme was formulated to facilitate the rehabilitation of persons whose lands were acquired for the planned development of Delhi. The Scheme, however, does not confer an indefeasible right to allotment of an alternative plot. It identifies a class of persons eligible to be considered, subject to fulfilment of the stipulated conditions and availability of land.

18. In ***Ramanand***, the Full Bench of this Court held that an individual whose land has been acquired for the planned development of Delhi has no

⁷ 1993 SCC OnLine Del 397.



absolute right to allotment of an alternative plot. However, such an individual is “*eligible to be considered for allotment*” in accordance with the applicable scheme/plans and the governing rules. The Supreme Court, in ***Delhi Administration v. Umrao Singh***⁸, while relying on ***Ramanand***, further recognised that the 1961 Scheme is administrative in character and could validly be amended by an administrative order.

19. A time stipulation under a rehabilitative scheme serves an important purpose. It ensures that claims are made with reasonable promptitude, that records remain available for verification, and that the Scheme retains its rehabilitative character rather than becoming an open-ended entitlement. Accordingly, a person who permits a rejection to attain finality and remains inactive for years cannot thereafter invoke the Scheme as a matter of course.

20. Another settled principle also bears emphasis. An administrative decision affecting the rights or interests of a person must disclose that the authority has applied its mind to the relevant material facts. The reasons recorded need not be elaborate, but they must be clear enough to disclose the basis on which the conclusion has been reached. Recording of reasons is an essential facet of fair decision-making and facilitates effective judicial review. Equally, the validity of an administrative order must be judged by the reasons stated therein and cannot be supplemented by fresh reasons furnished subsequently through affidavits or otherwise.⁹

Whether the claim was first made in 1988

21. The impugned decision proceeds entirely on the premise that the application received on 4th October, 1988 was Mr. Santa’s first claim for

⁸ (2012) 1 SCC 194.

⁹ See: ***Mohindhr Singh Gill & Anr. v. Chief Election Commissioner*** (1978) 1 SCC 405; ***Kranti Associates***



allotment of an alternative plot. Whether that premise is borne out by the record is the first question requiring consideration.

22. The Respondents' additional affidavit confirms that an official communication dated 6th March, 1982 was issued from file No. F.30(21)/1/82/L&B/PHC to the LAC, with a copy endorsed to Mr. Santa. That file number corresponds to the earlier file repeatedly referred to by Mr. Santa in the documents submitted along with the prescribed application in 1988. The Respondents do not dispute that the communication dated 6th March, 1982 was dispatched. Their case is only that the communication and the parent file can no longer be traced and that, consequently, their precise contents cannot now be ascertained.

23. The dispatch register is an official record maintained in the ordinary course of governmental business. While its entries do not establish the precise contents of the missing communication, they do establish that, in 1982, the Department had initiated proceedings concerning Mr. Santa's claim and had addressed a communication both to the LAC and to Mr. Santa. That conclusion is reinforced by Mr. Santa's letter dated 13th June, 1983. In that communication, he referred to the Department's earlier letter addressed to the LAC and complained that his claim for allotment of an alternative plot had remained undecided for more than a year. The absence of an entry of that letter in the diary register does not efface the independently verified dispatch of the Department's communication dated 6th March, 1982.

24. More importantly, the prescribed application and the accompanying representation submitted in September 1988 pre-date the present litigation

Pvt. Ltd. & Anr. v. Masood Ahmed Khan & Ors. (2010) 9 SCC 496.



by several decades. Both record that Mr. Santa had applied in 1982 and that the earlier file had been closed on account of non-furnishing of documents. The accompanying representation specifically identified the earlier file and requested that the documents already available therein be taken into consideration.

25. These declarations were not made after the rejection of the claim in 2013. They formed part of the Department's own record from 1988 and were available when the Recommendation Committee considered the case.

Effect of the missing Departmental File

26. The original 1982 file remained in the custody of the Respondents. Its non-availability cannot be converted into a conclusive finding that the proceedings evidenced by the Department's own dispatch records never existed.

27. The Court is mindful that the precise contents of the original application and the communication dated 6th March, 1982 are unavailable. Nonetheless, the material that survives is sufficient to reject the foundational premise adopted in the impugned decision that Mr. Santa approached the Department for the first time on 4th October, 1988.

Effect of the reopening in 1997 and the subsequent processing of the Claim

28. The minutes dated 17th April, 1997 assume importance. The Committee classified the matters placed before it under three distinct heads: rejection, condonation and reopening. Mr. Santa's case did not fall under the category of cases taken up for condonation of delay; it was placed under the head "*Reopening*". Reopening a case does not, by itself, amount to a declaration that every condition of eligibility stands fulfilled. Nor does it confer a right to allotment. Nevertheless, the Committee recorded that all



“papers and formalities for re-opening have been completed” and expressly reopened all eighteen cases, including that of Mr. Santa.

29. Once the case was reopened, the Department called for title records, compensation certificates, legal-heir documents, clarifications regarding the acquired land and the applicant’s share, and reports from the LAC. This process continued through 1998, 1999, 2000, 2005, 2008, 2009 and 2012.

30. This conduct demonstrates that the prescribed application submitted in 1988 was treated as part of an existing and subsequently reopened proceeding, rather than as an entirely fresh claim. Secondly, if the Department proposed to reject the claim on the ground of limitation after reopening the case and processing it over several years, it was incumbent upon it to deal with the history of the proceedings and explain why the earlier application and the reopening were legally immaterial.

31. The Recommendation Committee undertook no such examination. It made no reference to the 1982 file, the dispatch record, the letter dated 13th June, 1983, the declarations contained in the prescribed application and accompanying representation submitted in 1988, the reopening of the case in 1997, or the subsequent verification undertaken by the Department. Instead, it proceeded solely on the footing that the application was first made on 4th October, 1988 and applied the circular dated 14th September, 1987

Applicability of the precedents cited by the Respondents

32. The decisions in ***Sunder Singh, Jagdish Singh*** and ***Jangli Ram*** do not govern the present case. Those decisions arose in cases where the applicants had either failed to apply within the stipulated time or, after acquiring knowledge of the rejection or closure of their claims, permitted the matter to attain finality by remaining inactive for prolonged periods without



pursuing the remedies available to them. The Courts, in those circumstances, declined to revive claims that had been allowed to become stale.

33. The present case stands on a different footing. The Department itself reopened the claim in 1997, repeatedly called for documents and reports, and continued to process it until 2012. The delay in the final decision was, to a substantial extent, embedded in the Department's own administrative process.

Post-facto grounds

34. The Counter Affidavit also raises the contentions that Mr. Santa did not genuinely require rehabilitation and that the writ petition is liable to be dismissed on the ground of delay and laches. The impugned decision, however, rests exclusively on the premise that the claim was first made on 4th October, 1988.

35. In view of the principle noticed in ***Mohindhr Singh Gill***, the validity of the impugned decision must be judged on the reasons stated therein and cannot be sustained by fresh reasons subsequently furnished through the Counter Affidavit or other pleadings. This does not, however, preclude the competent authority, upon reconsideration, from examining conditions of eligibility under the LSADD Scheme. It merely means that the impugned decision cannot be supported on grounds that do not form part of the decision itself.

36. The delay in instituting the present writ petition is also not so substantive or prolonged, in the facts of the present case, as to warrant dismissal of the petition on the ground of delay and laches.

Conclusion & Relief

37. For the aforesaid reasons, this Court is of the considered view that the



impugned decision dated 16th August, 2013 and the consequential communication dated 11th September, 2013 cannot be sustained. The Recommendation Committee proceeded on a factual premise that is not borne out by the departmental record and failed to consider material bearing upon the determination of the Petitioner's claim. The impugned decision, therefore, does not satisfy the requirements of a reasoned administrative determination.

38. Accordingly, the writ petition is allowed in the following terms:

- a. The decision of the Recommendation Committee dated 16th August, 2013, insofar as it relates to the claim of late Mr. Santa, and the consequential communication dated 11th September, 2013 are hereby quashed.
- b. The Respondents shall place the Petitioner's claim before the competent Recommendation Committee for fresh consideration, in accordance with law.
- c. While undertaking such consideration, the Respondents shall not proceed on the premise that 4th October, 1988 was the date on which the claim was first made. The application dated 26th September, 1988 shall be treated as part of the proceedings initiated in 1982. Consequently, the claim shall not be rejected as time-barred solely on the ground recorded in the impugned decision.
- d. The Respondents shall, however, remain at liberty to examine all other conditions of eligibility under the LSADD Scheme, including the identity and status of the recorded owner, the extent and nature of the acquired land, receipt of compensation, the applicant's share, ownership of any disqualifying residential property, legal heirship, and compliance with



all other applicable requirements.

e. Before taking a fresh decision, the Petitioner shall be afforded an opportunity of personal hearing. A reasoned order shall thereafter be passed and communicated to the Petitioner within twelve weeks from the date of receipt of a copy of this order.

f. In the event the Petitioner is found otherwise eligible under the LSADD Scheme, the Recommendation Committee shall make its recommendation in accordance with the applicable policy for further action by the competent authority.

39. Disposed of in the above terms.

SANJEEV NARULA, J

JULY 10, 2026/ab