

Dinesh Jindal vs.delhi Development Authority & Ors.

Dinesh Jindal vs.delhi Development Authority & Ors.

SooperKanoon Citation : sooperkanoon.com/1225411

Court : Delhi

Decided On : Sep-17-2019

Appellant : Dinesh Jindal

Respondent : Delhi Development Authority & Ors.

Advocate for Pet/Ap. : Mr. Daleep Dhyani, Mr. Yeeshu Jain, Ms. Jyoti Tyagi, Ms. Shobhana Takiar, Ms. Shweta Anand, Ms. Anya Singh

Judgement :

\$~74 to 76 * IN THE HIGH COURT OF DELHI AT NEW DELHI Date of decision:

17. 09.2019 + W.P.(C) 11228/2017 DINESH JINDAL

... Petitioner

Through: Mr. Daleep Dhyani, Advocate. versus DELHI DEVELOPMENT AUTHORITY & ORS.

... RESPONDENTS

Through: Mr. Yeeshu Jain and Ms. Jyoti Tyagi, Advocates. Ms. Shobhana Takiar and Ms. Shweta Anand, Advocates for DDA. + W.P.(C) 11584/2017 SH. PIYUSH KATARIA

... Petitioner

Through: Mr. Daleep Dhyani, Advocate. versus DELHI DEVELOPMENT AUTHORITY AND ORS. ...

... RESPONDENTS

Through: Mr. Yeeshu Jain and Ms. Jyoti Tyagi, Advocates. Ms. Shobhana Takiar and Ms. Shweta Anand, Advocates for DDA. Ms. Anya Singh, Advocate for R-3 & R-5. + W.P.(C) 11607/2017 SMT. SUNITA KATARIA

... Petitioner

W.P.(C) 11228/2017, W.P.(C) 11584/2017 & W.P.(C) 11607/2017 Page 1 of 5
Through: Mr. Daleep Dhyani, Advocate. versus DELHI DEVELOPMENT AUTHORITY AND ORS.

... RESPONDENTS

Through: Mr. Yeeshu Jain and Ms. Jyoti Tyagi, Advocates. Ms. Anya Singh, Advocate for R-3 & R-5. CORAM: HON'BLE MR. JUSTICE VIPIN SANGHI HON'BLE MR. JUSTICE SANJEEV NARULA SANJEEV NARULA, J.

(Oral) 1. All these petitions arise from a common set of facts and seek similar reliefs and are therefore being disposed of by this common judgment.

2. Illustratively, the facts in the first petition W.P. (C) 11228/2017 are set out. The prayer in the said petition reads as under: (a) declare the acquisition proceedings qua the land of the

... Petitioner

s falling in Plot No.A-61(part of Khasra No.28/7) Sanjay Nagar, Mangol Pur kalan, Delhi-110085. as having lapsed in terms of Section 24(2) of the Act 2013, and (b) pass such other orders or orders which this Hon'ble Court may deem fit and proper in the interest of justice. 3. The facts as narrated in the petition are that the Gram Sabha, Mangolpur Kalan has allotted the land in question to the predecessor in interest of the

... Petitioner

s under 20 Point Programme pursuant to a policy decision. Under the said policy decision, every allottee was granted lease by issuing LR Form 37 in the year 1974 and since then the predecessor or the

... Petitioner

is W.P.(C) 11228/2017, W.P.(C) 11584/2017 & W.P.(C) 11607/2017 Page 2 of 5 in possession of the same. The

... Petitioner

is in peaceful possession till date.

4. The certificate issued by the Gaon Sabha has been enclosed by the

... Petitioner

along with the true copies of the chain of documents. This chain of documents is, in fact, a copy of the notification dated 24th October, 1961 issued under Section 4 of the Land Acquisition Act, 1894 (LAA), a copy of the declaration dated 20th July, 1966 under Section 6 of LAA as well as a copy of the Award dated 23rd April, 1980. It also includes the communication dated 22nd January, 1983 of the Lt. Governor, Delhi addressed to the Vice-Chairman, DDA stating that it had come to his notice that some of the lands so allotted under the 20-Point Programme had been taken over by the DDA and that the same should be returned to the Development Department for proper allotment to the eligible harijans/allottees.

5. In response to the petition, a counter affidavit has been filed by the LAC (North West) stating that the

... Petitioner

was not the original allottee but instead was a subsequent purchaser on the basis of a chain of GPA/Agreements. It is pointed out that the Gram Sabha allotted a plot of 100 square yards to one Dhing Ram S/o Chain Sukli on lease basis for 99 years vide letter dated 2.7.1974 for the purpose of construction of residential house. Dhing Ram executed a GPA dated 06.06.96 in favour of Ram Kumar Jindal and the petitioner stated to be the son of Ram Kumar Jindal has filed the present writ petition to the exclusion of the rights of the other legal heirs, if the said Ram Kumar Jindal had expired. W.P.(C) 11228/2017, W.P.(C) 11584/2017 & W.P.(C) 11607/2017 Page 3 of 5 6. It is further pointed out that that the allotment being made under the 20 Point Program, the allottee Dhing Ram was not entitled to sell the said plot besides the fact that the Karan Singh did not derive any right to execute any document in favor of Ishwar Prakash through whom the petitioner has allegedly purchased the said plot. It is categorically averred that the sale of plots

allotted under the 20 point program was ab-initio void, the petitioner cannot derive any right, title or interest in the said plot nor can challenge the acquisition proceeding in the present writ petition. 7. It is further submitted that as far as the land acquisition proceedings are concerned, the compensation was assessed in the name of the Gaon Sabha and was remitted to the Reference Court under Section 30-31 of Act, 1894 way back on 29th January, 1981.

8. The above counter affidavit was filed on 3rd April, 2018 and till date no rejoinder has been filed by the

... Petitioner

s to contradict the above facts. Counter affidavit has not been filed by LAC in 11607/2017. DDA has not filed its counter affidavit in any of the petitions.

9. Pertinently, the fact situation in the present matter is squarely covered by the decision of this Court in Navin Goel v. DDA & Ors. in W.P. (C) No.11159/2017. The facts in each of the other petitions forming part of this batch is no different. It is seen that in each case the original allotment was on lease basis for the limited period of 9 years and for sums as little as Rs. 2 paisa per square yards per year. Clearly the allottees who got the land on W.P.(C) 11228/2017, W.P.(C) 11584/2017 & W.P.(C) 11607/2017 Page 4 of 5 lease basis for a limited tenure could not have transferred ownership, title or any right whatsoever to any subsequent purchaser. The very basis of the present petitions has no sanctity in the eye of law as the

... Petitioner

s cannot claim any right or title or interest to the respective lands claimed to be in their possession. Therefore, the question of granting reliefs prayed for by any of these petitions in terms of the 2013 Act does not arise.

10. The petitions are accordingly dismissed. The interim orders dated 18.12.2017 and 22.12.2017 stand vacated. The pending applications are also dismissed. SEPTEMBER17 2019 nk SANJEEV NARULA, J VIPIN SANGHI, J W.P.(C) 11228/2017, W.P.(C) 11584/2017 & W.P.(C) 11607/2017 Page 5 of 5