

(2007) 03 DEL CK 0263

In the Delhi High Court

Case No : Writ Petition (C) 590 of 1997

Mohan Singh and Others

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 16-03-2007

Acts Referred:

Constitution of India, 1950 — Article 226
Land Acquisition Act, 1894 — Section 48

Citation : (2007) 03 DEL CK 0263

Hon'ble Judges : Vikramajit Sen, J;J.P. Singh, J

Bench : Division Bench

Advocate : Pradeep K. Bakshi and Rajat Navet, for the Appellant; Sanjay Poddar Advocate for LAC and K.S. Sidhy and Maldeep Sidhu, for R-3, for the Respondent

Final Decision : Dismissed

Judgement

J.P. Singh, J.—This Civil Writ Petition under Article 226 of the Constitution of India has been filed for issuing a writ of mandamus or any other appropriate writ directing respondent No. 1 (Union of India) and respondent No. 2 (Govt. of NCT of Delhi) to allocate alternative sites to the petitioners in lieu of the acquisitions of their lands and "dwelling units" and not to demolish or take possession of the structures existing at the spot and further to de-notify the lands u/s 48 of the Land Acquisition Act.

2. We have heard Mr.Pradeep K. Bakshi, learned Counsel for the petitioners and Mr. Sanjay Poddar, learned Counsel for the LAC as also Dr. K.S. Sidhu, Sr. Advocate learned Counsel for the respondent No. 3.

3. The substance of the petition is as under : The petitioners were "Bhumidars" and are alleged to be "cultivating" the lands in village Malik Kohli (Rangpuri), Delhi. They are said to be in possession of 16 acres of land and are alleged to have constructed farm houses.

4. It is pleaded that the residents of Nangal Dewat and the present petitioners

are similarly situated and they should also be rehabilitated and not discriminated against.

5. A preliminary objection was raised on behalf of the respondents that the challenge of petitioners to the Notification/Declaration for acquisition of land has been dismissed up to the Supreme Court of India and even review petition stands dismissed and further that similar petitions for allotment of alternative lands have been dismissed.

6. In the replies it is submitted that the petitioners have no legal right to seek the present relief. It is contended that the petitioners are not agriculturists and admittedly had unauthorisedly built luxurious farm houses on agricultural land during pendency of the proceedings. Further they are standing in the way of the development of the Airport. It is argued that contention of having shifted to the farm houses during 1984 riots is false, because several other petitioners of other communities have also been seeking alternative plots of land. It is contended that the petitioners are permanent resident of main Delhi.

7. Further the petitioners have been duly compensated for the land that has been acquired in accordance with the provisions of the Land Acquisition Act.

8. It is submitted that the petitioners at the first instance obstructed the delivery of possession, filed petitions after petitions, stalled the expansion of Airport and after having lost up to the Supreme Court of India have come up with another petition for grant of alternative plots.

9. It is argued that the policy of giving alternative residential plots is to accommodate those villagers/farmers who have been residing in the village generation after generation and after the acquisition are left with no place to live. It is submitted that for the petitioners it is a luxury litigation because they were never agriculturists and in any case they are neither covered nor deserve to be given alternative plots.

10. Learned Counsel for the respondents have vehemently argued that another petitioner had also filed petition No. WP(C) No. 2203/90 titled Shailender Jain v. Union of India and Ors. for the same relief, which petition has been dismissed along with three other identical petitions, vide judgment dated 3.9.2004 passed by Single Bench of this Court.

11. Perusal of the said judgment shows that in the said four petitions also the petitioners had purchased land from agriculturists in the same village i.e., Malik Kohli (Rangpuri), Delhi and they also had first challenged the Notification and Declaration and then filed petitions for alternative plots. The learned Single Judge thoroughly examined the matter and has relied upon the Full Bench decision of this Court in the case titled Rama Nand v. Union of India reported in AIR 1994 Delhi 29.

12. In our view the present case is fully covered by the judgment passed by the learned Single Judge in Shailender Jain's case (supra) and we agree with the

reasoning given therein. In the result we do not find any merit in the petition.
The same is Therefore dismissed

13. Parties are left to bear their own costs.