

# Mr.. Ajay Bajpai vs Union Of India And Ors on 17 January, 2023

**Author: Prathiba M. Singh**

**Bench: Prathiba M. Singh**

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\* IN THE HIGH COURT OF DELHI AT NEW DELHI  
+ W.P.(C) 1879/2022

MR.. AJAY BAJPAI

Through: Mr. Ruchin Midha, Advoc

versus

UNION OF INDIA AND ORS

Through: Mr. Bhagvan Swarup Shuk  
with Mr. Sarvan Kumar,  
UOI.

Mr. Rajesh Kumar, Ms. R  
Kaur, Advocate for R-3.  
Ms. Rachita Garg, Advoc  
(M:7838066417)

CORAM:

JUSTICE PRATHIBA M. SINGH  
ORDER

% 17.01.2023

1. This hearing has been done through hybrid mode.

2. The Petitioner - Mr. Ajay Bajpai who was the owner of the land measuring 1 bigha (1000 sq. yards), bearing Khasra No. 18/17/1(0-8) and 18/16/2(0-12) situated at Village Pochan Pur, Delhi (hereinafter referred to as the "Original property" ) has filed the present petition seeking expeditious disposal of application for allotment of alternative plot dated 12th June, 2003 filed by him in accordance with the Scheme of allotment of alternative plots in lieu of acquired land under large scale acquisition development & disposal of land in Delhi announced by Union of India - Ministry of Home Affairs.

3. The case of the Petitioner is that vide notification dated 13th December, 2001 under Section 4 of the Land Acquisition Act, 1894 followed by notification of declaration dated 7th December, 2002 under Section 6 of the Land Acquisition Act, 1894, the subject property of the Petitioner was acquired by Delhi Development Authority (DDA) as part of acquisition done for the purpose of development of Dwarka Phase II, Delhi.

4. An award dated 9th December, 2002 was passed by the the Land Acquisition Collector, Delhi, awarding compensation of Rs.4,43,268/- to the Petitioner towards acquisition of the Original

property.

5. The Petitioner challenged the quantum of compensation before the Ld. Additional District Judge, however, the same was rejected. The Petitioner, thereafter, submitted an application seeking allotment of an alternative plot on 12th June, 2003. The said application remained pending due to which the Petitioner filed W.P.(C) 10579/2015 titled Ajai Bajpai v. Union of India & Ors. before this Court.

6. The said petition was allowed and vide order dated 2nd September, 2016 certain directions were passed by this Court. The said directions are as follows:

"Learned counsel for the petitioner submits that admittedly his case has not been considered on merits; it has been rejected only for the reason that the documents had not been furnished for which the petitioner has furnished a justifiable explanation. This Court notes this submission and is in agreement with this submission of the learned counsel for the petitioner. The communications details afore show that the efforts had been made by the petitioner to furnish all the documents to the Department and in fact most of the documents had allegedly been furnished on 19.12.2013; the Department was not justified but the next contention of the petitioner (which is borne out from his RTI application) that these letters were not addressed at his address has also been noted.

The view of the Court is that the case of the petitioner should be considered on merits. The rejection letter dated 26.03.2015 is accordingly set aside. The case of the petitioner be decided on merits. This Court also notes that the application seeking allotment of plot was within time. If all the documents have not already been furnished by the petitioner, the same shall be furnished to the Department on affidavit within three weeks from today."

7. Despite the abovementioned order dated 2nd September, 2016 passed by this Court and the case of the Petitioners that all the requisite documents have been submitted, decision was not taken on the Petitioner's application for an alternative plot. Thus, the Petitioner was constrained to file the present writ petition, seeking the following reliefs:

"A) A Writ in the nature of Mandamus inter-alia directing the Respondent no. 4 to expeditiously and without any delay, send the status report on the contents of the Application and Affidavit filed by the Petitioner before Respondent No. 3, after affording an opportunity of hearing to the Petitioner and in accordance with law;

B) An appropriate writ in the nature of Mandamus inter-alia directing the Respondent no. 3 to decide the Application dated 12.06.2003 in a time bound manner and expeditiously, in accordance with the Scheme of allotment of alternative plots in lieu of acquired land under large scale acquisition development & disposal of land in delhi announced by Govt. of India, Ministry of Home Affairs vide

their letter no.37/16/60-delhi(i) dated 02 may, 1961; and C) Any other writ, order or direction which this Hon ble Court may deem fit and proper in the facts and circumstances of the present case."

8. Today, Ms. Garg, Id. Counsel for the Respondents submits that the Petitioner's application for alternative plot has been rejected vide order dated 4th December, 2019 passed by the SDM, (HQ), District South West. It is submitted by Ms. Garg, Id. Counsel that the said order has been communicated to her only this morning.

9. It is noticed by the Court that the Petitioner has been making representations for several years seeking early disposal of his application for an alternative plot. The said representations, emails and letters have been placed on record.

10. Notice was issued in this writ petition on 1st February, 2022, almost a year ago and time was given to the Respondents to file counter affidavit. Further time for counter affidavit was granted by this Court on 21st March, 2022. On 29th July, 2022, the Id. Registrar gave one last opportunity to file the counter affidavit. Thereafter, on 1st November, 2022 the Registrar closed the right of the Respondents to file the counter affidavit.

11. There has been no whisper of the order dated 4th December, 2019 during this entire period. Further, the purported order dated 4th December, 2019 passed by the SDM, (HQ), District South West is stated to have been communicated to Ms. Garg, Id. Counsel only this morning as per her submission. Clearly, the SDM's office and the DM's office have not just been recalcitrant but have been negligent in this matter. The conduct of the SDM's office and the DM's office is unacceptable to say the least. The proceeding pending before this Court has also not been taken seriously by the concerned officials.

12. Accordingly, the said officials shall remain in Court tomorrow i.e. on 18th January, 2023:

(i) Mr. Mukul Manrai, SDM Office;

(ii) Mr. Hemant Thothwal, DM -South West, Dwarka, and

(iii) Mr. V.K. Mongia, SDM - South West, Dwarka.

13. List on 18th January, 2023. This matter shall be taken at 2:30 p.m.

14. This order shall be given Dasti under signatures of the Court Master.

PRATHIBA M. SINGH, J.

JANUARY 17, 2023 dj/kt