
(2012) 3 AD 591

Delhi High Court

Case No: Writ Petition (C) 1716 of 2012 and CM 3797 of 2012

Kissan Sangharsh
Samiti Khera Khurd and
Another

APPELLANT

Vs

Delhi Development
Authority and Others

RESPONDENT

Date of Decision: March 27, 2012

Citation: (2012) 3 AD 591

Hon'ble Judges: Hima Kohli, J

Bench: Single Bench

Advocate: Surat Singh with Ms. Esha Mazumdar, for the Appellant; Pooja Bahuguna, Advocate for Ms. Sangeeta Chandra, Advocate for R-1/DDA, Mr. Sanjay Kumar Pathak, Advocate with Ms. K.K. Kiran Pathak, Advocate for R-2/GNCTD, Ms. Rajdipa Behura, Advocate with Mr. C.S. Chauhan, Advocate for R-3/UOI, for the Respondent

Judgement

Hima Kohli, J.

The present petition is filed by petitioner No.1/Association claiming to be representing the interest of 396 farmers of village Khera Khurd, whose land is stated to have been acquired by the government as per Award No.5/2005-06 dated 10.06.2005, under large scale acquisition of land in Delhi. Counsel for respondent No.2/Land & Building Department, Govt. of NCT of Delhi questions the maintainability of the present petition on the ground that petitioner No.1/Association is not a registered body and, therefore, is not competent to file the present writ petition as a representative body. He further states that in the earlier writ petition filed by petitioner No.2 and others for the same relief, registered as W.P.(C) 692/2012 entitled Azad Singh & Ors. vs. DDA & Ors., counsel for the petitioners herein, who was also the counsel for the petitioners therein, had sought leave to withdraw the said writ petition while reserving the right of each of the 384 petitioners to file separate petitions with regard to their respective grievances against the respondents authorities. Vide order dated 03.02.2012, the aforesaid writ petition was dismissed as withdrawn while granting leave to the petitioners therein, as prayed for (Annexure P-1).

He submits that despite the aforesaid order, the petitioners have filed the present collective petition, when petitioner No.1/Association is not even authorized to do so being an unregistered body.

2. Counsel for the petitioners responds by stating that the petitioners are not in a financially sound position to file individual petitions for allotment of alternative plots under the Large Scale Acquisition Development & Disposal of Land in Delhi Scheme, 1961 (hereinafter referred to as "1961 Scheme"). He further states that as the land belonging to the petitioners had been acquired by the Government in the year 2005, they are entitled to allotment of alternative plots under the Scheme, but their cases are not being processed by the respondents.

3. Counsel for respondent No.2 submits that the petitioners do not have a vested right to alternative plots and they can only be considered for allotment of plots in terms of the 1961 Scheme. He further states that the Govt. of NCT of Delhi has displayed a list of pending applications on its website and it was for the petitioners to have first verified the status of their applications before filing the present petition. It is also stated that the case of each member of petitioner No.1/Association would have to be examined and processed separately by respondent No.2 and after verification, their names would be registered and placed in the list as per their seniority. He further states that the acknowledgments of lodging of applications submitted by the petitioners to respondent No.2 in the year 2006 need to be scrutinized on an individual basis for establishing the status of their entitlement.

4. The aforesaid exercise cannot be directed to be undertaken by the respondent No.2 in the present proceedings. However, having regard to the fact that the petitioners have been submitting representations to respondent No.2 for allotment of alternative plots under the 1961 Scheme, the last one dated 29.07.2011 (Annexure P-7), it is deemed appropriate to dispose of the present petition with liberty granted to the members of the petitioner Samiti to appear before the Deputy Secretary (Alternative Cell), Land and Building Department, Govt. of NCT of Delhi, on 23.04.2012 with their grievance. Respondent No.2 shall consider the representation of the petitioners and inform them as to the status of their pending applications for alternative allotment under the 1961 Scheme. The petition is disposed of alongwith the pending application.

DASTI to the counsel for respondent No.2.