



दिल्ली विधान सभा  
DELHI LEGISLATIVE ASSEMBLY

दिल्ली के मॉडल टाउन क्षेत्र में बहुमंजिले भवन  
"च्यवन ऋषि अपार्टमेंट्स" के विभिन्न पहलुओं  
की जांच हेतु गठित समिति का  
प्रतिवेदन

Report of the  
Committee to probe into the  
various aspect of the coming up of a  
multi-storeyed building called  
'Chavan Rishi Apartments' in the  
Model Town Area of Delhi.

{दिनांक : 24 सितम्बर, 1998 को सदन में प्रस्तुत}  
(Presented in the House on 24th September, 1998)

दिल्ली विधान सभा सचिवालय  
पुराना सचिवालय, दिल्ली - 110054

DELHI LEGISLATIVE ASSEMBLY SECRETARIAT  
OLD SECRETARIAT, DELHI.

## विषय सूची

1. समिति का गठन
2. प्रस्तावना
3. प्रतिवेदन
4. अनुलग्नक- I  
॥ आर.सी.ए. नं. 90-ए/74 में फैसले की प्रति ॥
5. अनुलग्नक- II  
॥ संबंधित वर्णानुक्रमिक सूची पंजिका की प्रति ॥
6. अनुलग्नक- III  
॥ शहरी कार्य मंत्रालय के पत्र सं. के-13011/28/  
97/डीडीआईबी की प्रति ॥
7. अनुलग्नक- IV  
॥ उन व्यक्तियों की सूची, जिन्होंने फ्लैट सरीदे/  
बुक किये ॥
8. अनुलग्नक- V  
॥ निर्माण के संबंध में दिल्ली नगर निगम की  
स्टेटस रिपोर्ट ॥

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## दिल्ली विधान सभा

### व्यवन ऋषि अपार्टमेंट्स के विभिन्न पहलुओं की जांच हेतु गठित समिति

#### समिति का गठन

1.	श्री राजेन्द्र मुप्ता ॥तिमार पुर॥	सभापति
2.	श्री राजेश शर्मा	सदस्य
3.	श्री स्वरूप चन्द राजन	सदस्य
4.	श्री दीप चन्द बन्धु	सदस्य
5.	श्री सूरज प्रसाद पातीवाल	सदस्य

#### सचिवालय

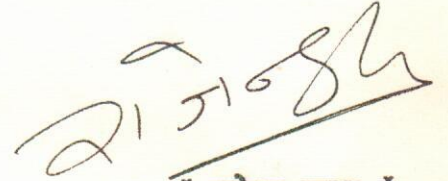
1.	श्री पी.एन.मुप्ता	सचिव
2.	श्री पी.सी.अग्रवाल	उप सचिव
3.	श्री के.एल.कोहली	समिति अधिकारी

दिल्ली विधान सभा

माँडल टाउन, दिल्ली में स्थित "च्यवन ऋषि अपार्टमेंट्स"

के विभिन्न पहलुओं की जांच हेतु गठित समिति

में, राजेन्द्र गुप्ता, सभापति, माँडल टाउन, दिल्ली में बहुमंजिले भवन "च्यवन ऋषि अपार्टमेंट्स" के विभिन्न पहलुओं की जांच हेतु गठित समिति, समिति द्वारा प्रतिवेदन प्रस्तुत करने के लिये प्राधिकृत किये जाने पर, यह प्रतिवेदन प्रस्तुत करता हूँ।



॥ राजेन्द्र गुप्ता ॥  
सभापति

दिल्ली,

दिनांक : 10 सितम्बर, 1998

च्यवन ऋषि अपार्टमेंट्स पर गठित समिति



## प्र ति वे द न

दिनांक 28.8.1997 को सदन की बैठक में कई सदस्यों ने च्यवन ऋषि अपार्टमेंट्स के नाम से जाने जाने वाले बहुमंजिले भवन के निर्माण से संबंधित मुद्दा उठाया था और इस परिसर के निर्माण संबंधी विभिन्न पहलुओं के बारे में गंभीर संदेह व्यक्त किया था । विचार-विमर्श के बाद, सदन ने इन अपार्टमेंटों के विभिन्न पहलुओं की जांच हेतु माननीय अध्यक्ष महोदय को पांच सदस्यीय एक समिति गठित करने के लिये प्राधिकृत करते हुए सर्वसम्मति से एक संकल्प पारित किया ।

2. माननीय अध्यक्ष ने दिनांक 29.10.1997 को निम्नलिखित सदस्यों की एक समिति गठित की :-

श्री राजेन्द्र मुप्ता ,विधायक	सभापति
श्री राजेश शर्मा, विधायक	सदस्य
श्री स्वरूप चन्द राजन, विधायक	सदस्य
श्री दीप चन्द बन्धु, विधायक	सदस्य
श्री सूरज प्रसाद पालीवाल, विधायक	सदस्य

3. समिति के विचारणीय विषय इस प्रकार थे :-

1. च्यवन ऋषि अपार्टमेंट्स के निर्माण के विभिन्न पहलुओं की जांच करना ।
2. भूमि की वास्तविक स्थिति और उसके स्वामित्व की जांच करना ।
3. क्या भवन निर्माता/भूमि के मालिक तथा विभिन्न एजेंसियों के अधिकारियों में किसी प्रकार की मिलीभगत रही है, इसकी जांच करना ।
4. क्या भवन योजना भवन संबंधी उप-विधियों के अनुसार स्वीकृत की गई थी।

§ 4 § च्यवन ऋषि अपार्टमेंट्स से संबंधित एक सार्वजनिक सूचना भी इन अपार्टमेंटों के बारे में आम जनता की राय जानने के उद्देश्य से निम्नलिखित समाचार-पत्रों में प्रकाशित कराई गई थी :-

1. हिन्दुस्तान टाइम्स § अंग्रेजी §
2. इंडियन एक्सप्रेस § अंग्रेजी §
3. नवभारत टाइम्स § हिन्दी §
4. दैनिक जागरण § हिन्दी §
5. मिलाप § उर्दू §



5. उपर्युक्त सार्वजनिक सूचना के जवाब में केवल दो ही अभ्यावेदन, एक सहकार, मांडल टाउन, दिल्ली के बी-2 और एफ ब्लॉक के रेजिडेंट्स वेलफेयर एसोसियेशन की ओर से तथा दूसरा च्यवन ऋषि अपार्टमेंट्स की ओर से प्राप्त हुए थे ।

6. समिति ने 16 बैठकें कीं और भूमि, साइट प्लान की स्वीकृति, मास्टर प्लान के अनुसार भूमि उपयोग, राजस्व अभिलेखों से संबंधित विभिन्न दस्तावेजों की जांच की।

समिति ने भूमि एवं भवन, दिल्ली विकास प्राधिकरण, राजस्व और दिल्ली नगर निगम आदि जैसे विभिन्न सरकारी विभागों के प्रतिनिधियों से पूछताछ की और उनके साक्ष्य लिये । समिति ने च्यवन ऋषि अपार्टमेंट के प्रतिनिधि श्री डी.डी.मिस्तल को भी सुनवाई का अवसर प्रदान किया जो कि समिति के समक्ष अपने वकील के साथ उपस्थित हुए ।

7. समिति ने 30.6.1998 को मांडल टाउन में स्थल पर अपार्टमेंटों का निरीक्षण भी किया और विवादित फ्लैटों के वास्तविक निर्माण तथा उसके अन्य पहलुओं की जानकारी प्राप्त की ।

8. समिति के समक्ष यथाप्रस्तुत सभी दस्तावेजों की जांच-पड़ताल करने और विभिन्न विभागों और च्यवन ऋषि अपार्टमेंट्स की ओर से श्री डी.डी.मिस्तल और उनके वकील द्वारा पेश किये गये तर्कों पर विचार करने के बाद समिति निम्न सिफारिश करती है:-

#### 9. भूमि की वास्तविक स्थिति और उसका स्वामित्व

॥क॥ नोटिफाइड एरिया कमेटी, दीवानी जिला ॥सिविल डिस्ट्रिक्ट॥ ने गांव मलकपुर में स्थित खसरा नंबर-201, 202, 203, 206 और 207 की भूमि को मिलाकर 7.86 एकड़ ॥38065 वर्ग गज॥ जमीन लाला रघुबर दयाल से रु 9200/- में 8.2.1919 को खरीदी थी । यह जमीन नोटिफाइड एरिया कमेटी द्वारा 1.11.1920 से 30 वर्षों की अवधि के लिये रु 500/- वार्षिक किराये पर श्री एडवर्ड क्वेंटर को पट्टे पर दी गई थी ।

॥ख॥ च्यवन ऋषि अपार्टमेंट्स के प्रतिनिधि ने समिति को बताया कि नोटिफाइड एरिया कमेटी ने 2.1.1943 को सम्पन्न अपनी बैठक में संकल्प संख्या-10 के जरिये श्री क्वेंटर के अनुरोध को स्वीकार करते हुए निर्णय लिया था कि



खसरा नंबर-594,564,202 की कुल 7 बीघा 4 बिस्वा के रकबे की जमीन तथा खसरा नंबर-203 की 10 बीघा 10 बिस्वा रकबे की जमीन को मिलाकर 17 बीघा 14 बिस्वा रकबे की जमीन श्री रतितराम को रु-1760/- में बेच दी जाये । 4.3.1943 को हुई समिति की बैठक में कहा गया कि चीफ कमिश्नर ने उपर्युक्त जमीन की बिक्री को अपनी अनुमति प्रदान कर दी है और इस तरह समिति ने मद संख्या-31 के जरिये समिति की ओर से श्री रतितराम के पक्ष में उपर्युक्त जमीन के बिक्री-पट्टे सेल-डीड को अमली रूप देने का निर्णय दिया । कथित रूप से सेल-डीड को तदनुसार नोटिफाइड एरिया कमेटी और श्री रतितराम के बीच 20.5.1943 को अमली रूप दिया गया था ।

§ ग § इस बात पर ध्यान देना उचित होगा कि 38065 वर्ग गज या 7.86 एकड़ रकबे की जमीन नोटिफाइड एरिया कमेटी द्वारा रु-9200/- में 1919 में खरीदी गई थी जबकि 17 बीघा 14 बिस्वा यानी 17700 वर्ग गज रकबे की जमीन को 20 मई, 1943 को मात्र रु-1760/- की मामूली सी रकम में बेचा गया दिखाया गया है । यदि महज तर्क के लिये ही यह मान लिया जाये कि 1919 से 1943 तक जमीन की कीमतों में कोई बढ़ोतरी नहीं हुई थी, तो भी जमीन के इस टुकड़े की कीमत रु-4278/- होनी चाहिये थी अर्थात् भूमि का तागत मूल्य जिस पर 1919 में वह जमीन खरीदी गई थी । तथापि कोई भी समझदार आदमी यह नहीं कह सकता कि 1919 से 1943 के बीच जमीन की कीमतों में कोई भी बढ़ोतरी नहीं हुई थी। दरअसल कीमतों में तेजी से वृद्धि होनी 1938 के बाद से ही शुरू हो गई थी । अतः इस बात का शक होता है कि नोटिफाइड एरिया कमेटी या तत्कालीन दिल्ली के उपायुक्त/मुख्य आयुक्त ने इस भूमि को इसकी वास्तविक कीमत से बहुत कम कीमत पर देने के लिये अपनी सहमति प्रदान की होगी।

§ घ § श्री रतितराम के उत्तराधिकारियों यथा श्रीमती राम प्यारी, रतितराम की विधवा पत्नी तथा श्री कमल सिंह ने, 26.5.1989 को 17 निम्नलिखित व्यक्तियों को यह जमीन बेची थी :-

क्र.सं.	नाम एवं पता	खरीदी गई जमीन	
		बीघा	बिस्वा
1.	श्री अशोक अरोड़ा, पुत्र श्री मुलजारी लाल 48/32, फाटक नानक, हौजकाजी, दिल्ली ।	1	-
2.	श्री मित्र प्रकाश पुत्र श्री मुलजारी लाल, 48/32, फाटक नानक, हौजकाजी, दिल्ली ।	1	-
3.	श्री भारत भूषण पुत्र श्री रघुनाथ, डी. 7, वेस्ट पटेल नगर, दिल्ली ।	1	14
4.	श्री अशोक कुमार सेहरा पुत्र श्री मनोहर लाल, एफ. 108/109, लाजपत नगर, नई दिल्ली ।	1	-
5.	श्री हरीश कुमार पुत्र श्री मनोहर लाल, एच. 5, लाजपत नगर, नई दिल्ली ।	1	-
6.	श्री वीरेन्द्र कुमार पुत्र श्री मनोहर लाल एच. 5, लाजपत नगर, नई दिल्ली ।	1	-
7.	श्रीमती सुमन सेहरा पत्नी श्री प्रेम कुमार, 208, विनोद पुरी, लाजपत नगर, नई दिल्ली ।	1	-
8.	श्रीमती सुनीता सेहरा पत्नी श्री हरीश कुमार एच. 5, लाजपत नगर, नई दिल्ली ।	1	-
9.	श्री प्रेम कुमार पुत्र श्री मनोहर लाल, 208, विनोद पुरी, लाजपत नगर, नई दिल्ली ।	1	-
10.	श्री परवीन कुमार पुत्र श्री रामदयाल, सी. 170, दयानन्द कालोनी, लाजपत नगर, नई दिल्ली ।	1	-



11.	श्रीमती शोभा सेहरा पत्नी श्री अशोक सेहरा, 108/109, लाजपत नगर, नई दिल्ली ।	1	-
12.	स्व. श्री मुलजारी लाल पुत्र श्री हरीचन्द, 4482, फाटक नानक, होजकाजी, दिल्ली ।	1	-
13.	श्री महेश कुमार सेहरा पुत्र श्री मनोहर लाल, 13/6, पन्त नगर, जंगपुरा, नई दिल्ली ।	1	-
14.	श्रीमती स्नेहलता पत्नी श्री वीरेन्द्र कुमार सेहरा, एच. 5, लाजपत नगर, नई दिल्ली ।	1	-
15.	श्री सर्वजीत शर्मा पुत्र श्री के.डी. साकन, 3/45, जनकपुरी, नई दिल्ली ।	1	-
16.	श्रीमती कंचन बाला	1	-
17.	श्री राजेश कुमार पुत्र श्री मनोहर लाल	1	-
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॥ ड. ॥ राजस्व अभिलेखों में नायब तहसीलदार श्री रिसाल सिंह द्वारा स्व. श्री रतिराम के नाम में खसरा नंबर-594, 564, 202 और खसरा नंबर-203 को मिलाकर 17 बीघा 14 बिस्वा रकबे की इस जमीन का दाखिल-खारिज पहली बार 28.7.89 को किया गया था । उसी दिन उन्होंने पुनः इस जमीन का दाखिल-खारिज श्रीमती रामप्यारी और श्री कमल सिंह के नाम किया था । तत्पश्चात् इसी दिन इसी जमीन का दाखिल-खारिज 17 व्यक्तियों के नाम किया गया जिन्होंने कथित जमीन श्रीमती रामप्यारी और कमल सिंह से दाखिल-खारिज नंबर-418, 434 के जरिये खरीदी थी । दाखिल-खारिज मृत व्यक्तियों के नाम से नहीं किया जाता है क्योंकि वे भूमि राजस्व आदि का भुगतान करने के लिये उत्तरदायी नहीं होते हैं । श्री रतिराम की मृत्यु 25.12.1969 को हो चुकी थी ।



॥च॥ यह कानून एवं प्राकृतिक न्याय का एक सुस्थापित सिद्धांत है कि विक्रेता और क्रेता यानी बैचने वाला और खरीददार दोनों को दाखिल-खारिज की स्वीकृति के पूर्व जमीन की बिक्री/खरीद की पुष्टि या उससे इन्कार करने के लिये अधिकारी के समक्ष उपस्थित होने का अवसर प्रदान किया जाना चाहिये । नायब तहसीलदार ने किन्हीं कारणों से जो उन्हें स्वयं पता होगी, राजस्व अभिलेख नियमावली में उल्लिखित प्रक्रियाओं का अनुपालन नहीं किया था । ऐसा कोई रिकॉर्ड उपलब्ध नहीं है, जिससे यह पता लगे कि तत्कालीन नोटिफाइड एरिया कमेटी के किसी प्रतिनिधि या उसके उत्तराधिकारी को नायब तहसीलदार के समक्ष 1943 में कथित रूप से बेची गई जमीन से इन्कार करने या उसकी पुष्टि करने हेतु उपस्थित होने का अवसर प्रदान किया गया हो । इस सम्पूर्ण कार्य को श्री भूपसिंह, इस क्षेत्र के तत्कालीन पटवारी और श्री रिसाल सिंह, नायब तहसीलदार, श्री छोटे लाल, पटवारी जिन्होंने दस्तावेजों का सत्यापन किया था, द्वारा अंजाम दिया गया था ।

॥छ॥ समिति यह सिफारिश करती है कि सरकार को ऐसे लोगों के प्रति सख्त कार्रवाई करनी चाहिये जिन्होंने कानून की अवज्ञा की है और भूमि के कथित विक्रेताओं और क्रेताओं के साथ गठजोड़ किया है । सरकार भविष्य में कानून का सख्ती के साथ अनुपालन करने हेतु सभी संबंधित अधिकारियों को दाखिल-खारिज आदि से संबंधित अनुदेशों के बारे में पुनः अवगत कराये ।

॥ज॥ सरकार का कथन तो यह है कि यह भूमि मूलतया श्री एडवर्ड केवेंटर को 1920-1950 तक 30 वर्षों की अवधि के लिये रु 500/- प्रति वर्ष के हिसाब से पट्टे पर दी गई थी, यह कभी भी श्री रीत राम को बेची नहीं गई थी ।

॥झ॥ श्रीमती रामप्यारी आदि बनाम भारत सरकार के मामले में 1974 के आर.सी.ए. संख्या-90-ए में श्री एस.आर.गोयल, तत्कालीन अतिरिक्त जिला एवं सत्र न्यायाधीश द्वारा दिये गये दिनांक 27.8.1974 के एक निर्णय की प्रति के रूप में सरकार के पक्ष में एक ठोस प्रमाण प्राप्त हुआ है । इस निर्णय की एक प्रति



**अनुलग्नक-1** के रूप में संलग्न है । निर्णय में यह उल्लेख किया गया है कि श्री रतिराम ने श्री हरिकृष्ण मलिक, तत्कालीन प्रथम श्रेणी सब-जज, दिल्ली की अदालत में एक मुकदमा दायर किया था जिसमें श्री रतिराम ने यह दलील दी थी कि वे नोटिफाइड एरिया कमेटी के अंतर्गत एक कानूनी किरायेदार हैं। श्री रतिराम की मृत्यु 1969 में हो गई और उनके कानूनी उत्तराधिकारियों श्रीमती रामप्यारी, श्री कमल सिंह और श्रीमती कृष्णा को श्री रतिराम के प्रतिनिधियों के रूप में स्थानापन्न किया गया । समिति ने हालांकि इस निर्णय के अन्य पहलुओं पर विचार नहीं किया किन्तु उसने इस तथ्य पर जरूर ध्यान दिया कि यदि श्री रतिराम ने, जैसा कहा गया है, 1943 में जमीन खरीदी होती तो उन्होंने निश्चित रूप से इस बात का दावा किया होता कि वे इस जमीन के कानूनी मालिक थे न कि किरायेदार । इस तथ्य से कि जमीन पर उनका कब्जा था और वे उस पर खेती करते थे, उन्हें भूमि का मालिकाना हक नहीं मिल जाता और उन्होंने स्वयं यह बयान दिया था कि उन्होंने यह जमीन कभी भी नहीं खरीदी थी बल्कि वह केवल उसका किरायेदार मात्र ही था । इससे 20.5.1943 को किये गये बिक्री करारनामे पर संदेह पैदा होता है और इसीलिये यह झूठा और जाली तथा बाद में की गई हेरा-फेरी का मामला प्रतीत होता है ।

॥ अ ॥ श्री एडवर्ड केवेंटर ने दिनांक 20 अप्रैल, 1950 के अपने पत्र संख्या-414 के जरिये नोटिफाइड एरिया कमेटी से उपर्युक्त जमीन के पट्टे को 30 वर्ष की अवधि तक आगे और बढ़ाने का अनुरोध किया था । यदि श्री केवेंटर ने ऊपर अनुच्छेद 9॥ख॥ में जैसा उल्लेख किया गया है, इस भूमि को श्री रतिराम के पक्ष में बेचने का पहले कोई अनुरोध किया होता तो वे 1950 में 30 वर्ष के लिये पट्टे की मियाद को बढ़ाने का अनुरोध न करते । इससे नोटिफाइड एरिया कमेटी द्वारा 1943 में बेची गई जमीन का तथ्य एक बार फिर विवादास्पद हो जाता है और इससे सिद्ध हो जाता है कि 1943 में किया गया बिक्री करारनामा और कुछ न होकर महज जालसाजी है ।



॥ ट ॥ यहाँ यह भी उल्लेखनीय है कि हाउसिंग एण्ड कंसट्रक्शन लिमिटेड, नई दिल्ली ने, जिसने सम्पूर्ण मॉडल टाउन क्षेत्र का विकास किया था और जिससे यह जमीन भी जुड़ी हुई है, 5 मई, 1954 को उपायुक्त, दिल्ली के यहाँ इस जमीन को बेचने के लिये आवेदन किया था ताकि मॉडल टाउन से जुड़ी हुई यह जमीन भी उन्हें मिल जाये । तत्कालीन उपायुक्त ने इस आवेदन को अस्वीकार कर दिया था । यदि यह भूमि नोटिफाइड परिया कमेटी द्वारा 1943 में बेच दी गई होती तो तत्कालीन उपायुक्त ने निश्चित रूप से यह बताया होता कि वह उस जमीन के मालिक नहीं है और वह 1943 में रतिराम को बेच दी गई थी किन्तु जो जवाब था, वह था -- "यह भूमि बेची नहीं जा सकती" तथापि, जिस कम्पनी ने मॉडल टाउन में इतनी लंबी-चौड़ी जमीन खरीदी थी और जिससे यह कथित भूमि भी जुड़ी हुई है, उसे वास्तविक मालिक के बारे में जानकारी जरूर होती । श्री रति राम या यहाँ तक कि श्री केवेंटर ने इस भूमि के मालिक होने का दावा कभी भी नहीं किया था । श्री केवेंटर इस भूमि के पट्टेदार मात्र थे । इसलिये पुनः इस बात पर संदेह पैदा होता है कि कथित भूमि 1943 में श्री रतिराम को नोटिफाइड परिया कमेटी द्वारा बेची गई थी ।

॥ ठ ॥ शहरी भूमि सीमा ॥ टेन्ड सीलिंग ॥ - 17 बीघा 14 बिस्वा अर्थात् 17700 वर्ग गज रकबे की सम्पूर्ण भूमि दिल्ली की शहरी भूमि के क्षेत्र में स्थित है । शहरी भूमि ॥ परिसीमन एवं विनियमन ॥ अधिनियम, 1976 द्वारा दिल्ली में खित भूमि रखने की अधिकतम 500 वर्गमीटर की सीमा निर्धारित की गई थी । यदि किसी तरह यह मान भी लिया जाये कि श्री रतिराम इस भूमि के वास्तविक खरीददार थे और उनके कानूनी उत्तराधिकारियों को उनकी मृत्यु के बाद इस जमीन का उत्तराधिकार मिला तो उनके कब्जे में निर्धारित सीमा से बहुत अधिक जमीन थी । ऐसे सभी व्यक्तियों के लिये जिनके पास 500 वर्ग मीटर से अधिक जमीन थी, अधिनियम की धारा 6॥1॥ के अंतर्गत यथाधिकृत सक्षम प्राधिकारी के समक्ष विवरण दायर करना आवश्यक था ।



॥५॥ यह भी कहा गया है कि 17 बीघा 14 बिस्वा की सम्पूर्ण भूमि 26.5.1989 को 17 व्यक्तियों को बेची गई थी और उसका दाखिल-सारिज दिल्ली में हुआ था । कागजातों में यह भी पाया गया कि किसी सेंट जीज़स एजुकेशनल सोसायटी, डी-3/45, जनकपुरी, नई दिल्ली, ॥यह ज्ञात नहीं कि यह सोसायटी समिति पंजीकरण अधिनियम, 1860 के अंतर्गत पंजीकृत है अथवा नहीं॥ ने अनापत्ति प्रमाण-पत्र के लिये आवेदन किया था । सोसायटी को अनापत्ति प्रमाण-पत्र 20.11.1991 को जारी किया गया । यहां समिति को यह पता चलने पर पुनः आश्चर्य हुआ कि अधिनियम की धारा 19॥1॥ ॥V॥ के अंतर्गत अनापत्ति प्रमाण पत्र जारी करने में सक्षम प्राधिकारी द्वारा भारी अनियमितता बरती गई थी । सक्षम प्राधिकारी ने 1976 में भूमि की जो स्थिति थी उसकी वास्तविक खोजबीन नहीं की । यदि भूमि फलतू थी तो 17 व्यक्तियों द्वारा बाद में जमीन की बिक्री/खरीद से भूमि की स्थिति में परिवर्तन नहीं होता और यह फलतू भूमि ही रहती । यह भूमि सेंट जीज़स एजुकेशनल सोसायटी को कभी भी स्थानांतरित नहीं की गई और इस तरह एजुकेशनल सोसायटी का कब्जा इस भूमि पर कभी भी नहीं था या वह इस भूमि की कभी भी मालिक नहीं बनी । अनापत्ति प्रमाण-पत्र जारी करना कानून के विरुद्ध था जिससे सोसायटी को अनापत्ति प्रमाण-पत्र जारी करने में तत्कालीन सक्षम प्राधिकारी की सांठ-गांठ का पता चलता है । यह समझा जाता है कि तत्कालीन सक्षम प्राधिकारी श्री जे.डी.जेन अब सेवानिवृत्त हो चुके हैं । तथापि, अवैधानिक कार्य होने के कारण उनके विरुद्ध उचित कार्रवाई की जाए ताकि अन्य अधिकारी इस तरह के प्रत्यक्ष गैर-कानूनी कार्यों में लिप्त न हों ।

॥६॥ 10 बीघा 14 बिस्वा अर्थात् 10700 वर्ग गज रकबे की कुल जमीन ऐसे विभिन्न व्यक्तियों से 5 अप्रैल, 1995 को खरीदी थी जिन्होंने रताराम के उत्तराधिकारियों से यह जमीन 1989 में खरीदी थी और उनका विवरण इस प्रकार है :-

क्र.सं.	नाम
1.	च्यवन ऋषि अकन्सट्रक्शन प्रा.लि.
2.	मनोज मित्तल पुत्र श्री डी.डी.मित्तल

3. कुतुब डेवलेपर्स प्रा. लि.
4. च्यवन ऋषि बिल्डर्स प्रा. लि.
5. पंबर वन एक्सपोर्ट्स प्रा. लि.
6. मे. कुतुब कंस्ट्रक्शन प्रा. लि.
7. वसु एस्टेट प्रा. लि.
8. जे. एम. डी. बिल्डवेल प्रा. लि.
9. विनमैन डेवलेपर्स प्रा. लि.
10. राजेन्द्र मित्तल पुत्र श्री डी. डी. मित्तल
11. कुतुब केमिकल्स प्रा. लि.
12. विनोद मित्तल पुत्र श्री डी. डी. मित्तल
13. च्यवन ऋषि इंटे. लि.
14. कॉसमांस बिल्डर्स एंड प्रोमोटर्स लि.
15. च्यवन ऋषि बिल्डवेल ॥ प्रा. ॥ लि.
16. विनमैन बिल्डवेल प्रा. लि.
17. नंबर वन डेवलेपर्स ॥ प्रा. ॥ लि.
18. विनमैन कंस्ट्रक्शन प्रा. लि.
19. कुतुब बिल्डवेल प्रा. लि.
20. श्री डी. डी. मित्तल पुत्र स्व. श्री राम चन्द्र

॥ अ॥ श्री एस. एस. राठौड़, सक्षम प्राधिकारी ने शहरी भूमि ॥ परिसीमन एवं विनियमन ॥ अधिनियम, 1976 के अंतर्गत अपने आदेश सं. एफ. सी. एडी/11790/91/95- यू. एल. सी. दिनांक 1.11.1995 के जरिये इन व्यक्तियों को अनापत्ति प्रमाण पत्र जारी किया था । ऐसा प्रतीत होता है कि सक्षम प्राधिकारी को इस आदेश को जारी करने के मामले में इस आधार पर गुमराह किया गया है कि प्रत्येक व्यक्ति के कब्जे में 500 वर्ग मी. से कम भूमि थी । उन्हें 1976 से इस भूमि के कब्जे की जांच करनी चाहिये थी और सभी पहलुओं के बारे में भी छान-बीन करनी चाहिये थी । इस तरह का कोई प्रयास नहीं किया गया और इसलिये ये अनापत्ति प्रमाण पत्र दोषपूर्ण है । उन्हें जमीन



के स्वामित्व की जांच करनी चाहिये थी और अलग से प्रत्येक व्यक्ति के कब्जे में कितनी जमीन थी, उस पर भी विचार करना चाहिये था ।

॥ त ॥ सचिव ॥ राजस्व ॥ के अनुसार चूंकि अधिकांश दस्तावेज उच्च न्यायालय के कब्जे में हैं और जिसकी वे प्रतिलिपि नहीं प्राप्त कर सके, इसलिये बिक्री करारनामों की सत्यता की जांच नहीं की जा सकी । हालांकि उन्होंने लिखित में दिया है कि बिक्री करारनामा संख्या-1970 की सत्यता की जांच के लिये सब-रजिस्ट्रार-1 से सम्पर्क किया गया था, उन्होंने बताया कि बिक्री करारनामा संख्या-1970 के बाद "गिरधारी लाल तिवारी बनाम भारत सरकार एवं अन्य" के मामले में दायर सिविल रिट पेटिशन संख्या-3830/96 के आधार पर 4.8.1997 को दिल्ली उच्च न्यायालय द्वारा जब्त कर लिया गया है । सब रजिस्ट्रार कार्यालय के अन्य संबंधित अभिलेखों का निरीक्षण भी किया गया । 1943 के वर्णानुक्रमिक ॥ अल्फाबेटिकली ॥ सूची रजिस्टर की जांच की गई और उसमें विवादास्पद भूमि की बिक्री से संबंधित दो प्रतिकूल प्रविष्टियां पाई गई । दोनों प्रविष्टियां काट कर लिखी गई हैं और उससे यह प्रतीत होता है कि दोनों प्रविष्टियां अलग-अलग हाथों ओर स्याही से की गई हैं जिससे पता चलता है कि इसमें बाद में कुछ जोड़ा घटाया गया है । इसकी प्रतिलिपि अनुलग्नक 11 के रूप में संलग्न है ।

॥ थ ॥ ऐसा आभास होता है कि किसी न किसी स्थिति में सब-रजिस्ट्रार कार्यालय, कश्मीरी गेट, दिल्ली इस मामले में एक पक्ष बन गया था और उसने पिछली तारीख में जाली करारनामा पंजीकृत करने में सहायता पहुंचाई । 1943 का ये बिक्री करारनामा किसी बहुत बाद की तारीख में पंजीकृत कराया गया होगा । ये एक आम बात है कि प्रत्येक व्यक्ति जो भूमि खरीदता है वह दाखिल-खारिज और राजस्व अभिलेखों एवं दिल्ली नगर निगम में सम्पत्ति कर में अपना नाम दर्ज कराने के लिये राजस्व अधिकारियों के पास भाग-दौड़ करता है । श्री रतीराम और उनके कानूनी उत्तराधिकारियों की 1943 से 1988 तक खामोशी का जहां कोई औचित्य नहीं हो सकता, वही इससे बिक्री करारनामे की असलियत पर भी संदेह पैदा होता है तथा परिस्थितिजन्य प्रमाण से यह सिद्ध



हो जाता है कि यह कार्य किसी समय 1988 में या उसके आस-पास किया गया होगा । तत्कालीन सब-रजिस्ट्रार ने जाली बिक्री करारनामे की प्रविष्टि में मिलीभगत करके सहायता पहुंचायी होगी जिसका उद्देश्य नोटिफाईड एरिया कमेटी द्वारा इस करारनामे को 1943 में अमल में लाया गया दिखाना था सब-रजिस्ट्रार ने इन व्यक्तियों अर्थात् रतीराम के उत्तराधिकारियों और बाद में 1989 के खरीददारों से गठजोड़ करके आपराधिक कार्य किया है ।

9.1. सारांशतया भूमि की वास्तविक स्थिति के बारे में ऊपर बता दिया गया है। जांच के बाद निकाले गये निष्कर्ष के अनुसार नोटिफाईड एरिया कमेटी द्वारा श्री रतीराम के पक्ष में 20.5.1943 को किया गया बिक्री करारनामे की वास्तविकता के बारे में अत्यधिक संदेह उत्पन्न होता है ।

9.2. परिणामस्वरूप उससे प्राप्त स्वामित्व का दावा करने वाले सभी व्यक्ति अर्थात् उसके कानूनी उत्तराधिकारी, जिनका हित उसमें निहित हैं, ऐसे खरीददार, कानूनी और बाद के खरीददारों से खरीद करने वाले खरीददारों के पास श्री रतीराम के पास जो स्वामित्व का अधिकार था, उसकी अपेक्षा बेहतर स्वामित्व का अधिकार नहीं था । चूंकि, श्री रतीराम के पास भूमि का कोई स्वामित्व नहीं था इसलिये बाद की सभी तरह की खरीद-फरोस्त अमान्य थी और उन उत्तराधिकारियों, जिनके इसमें हित शामिल हैं उन्हें इसका कोई वैध स्वामित्व प्राप्त नहीं है ।

9.3 यदि फिर भी यह मान भी लिया जाये कि श्री रतीराम के पक्ष में बिक्री वास्तविक थी तो भी 1000 वर्ग मी. से अधिक भूमि शहरी भूमि परिसीमन एवं विनियमन अधिनियम, 1976 के प्रावधानों से प्रभावित होती थी और वह अधिक भूमि 10/- रुपये प्रति वर्ग मीटर की नाममात्र की दर पर सरकार द्वारा अधिगृहीत की जा सकती थी ।

9.4 यह भूमि सेंट जीसस एजुकेशनल सोसाइटी के नाम कभी भी हस्तांतरित नहीं की गई थी और तत्कालीन सक्षम प्राधिकारी द्वारा शहरी भूमि परिसीमन एवं विनियमन अधिनियम के अंतर्गत पारित आदेश गैर कानूनी एवं दोषपूर्ण था।



9.5 चूंकि ये भूमि फलतू हो गई थी इसलिये च्यवन ऋषि अपार्टमेंट्स के वर्तमान मालिक को दिया गया अनापत्ति प्रमाण-पत्र दोषपूर्ण है ।

#### 10. क्या भवन योजना भवन उपविधियों के अनुसार स्वीकृत की गई थी

॥क॥ च्यवन ऋषि अपार्टमेंट्स का मामला इस तरह है कि भवन योजना को भूमि के कानूनी स्वामित्व के आधार पर वैधानिक रूप से स्वीकृति प्रदान की गई थी । दिल्ली नगर निगम ने बताया है कि उन्होंने राजस्व विभाग से भूमि के स्वामित्व का सत्यापन किया था और उनके इस प्रमाणीकरण "कि भूमि की मिल्कियत उन विभिन्न लोगों के पास हैं जो च्यवन ऋषि अपार्टमेंट्स के घटक ॥भागीदार॥ हैं" के बाद ही भवन योजना को स्वीकृति दी गई थी । अगस्त, 1990 में अधिसूचित दिल्ली मास्टर प्लान -2001 के अनुसार भूमि का उपयोग 350 प्रति हैक्टेयर के घनत्व सहित "रिहायशी" उद्देश्य के लिये निर्धारित किया गया है । 1962 के मास्टर प्लान के अनुसार भी इस भूमि का उपयोग रिहायशी ही था । माडल टाउन के अनुमोदित योजना-विन्यास ॥ले-आउट प्लान॥ के अनुसार इस स्थल को "अन्य की भूमि" के रूप में दिखाया गया है ।

॥ख॥ अनुमोदित क्षेत्रीय विकास योजना ॥जोनल डेवलेपमेंट प्लान॥ के अनुसार इस भूमि को प्राथमिक विद्यालय के लिये चिन्हित किया गया है । स्थल के इस भूमि उपयोग में अभी तक कोई परिवर्तन नहीं किया गया है ।

॥ग॥ दिल्ली नगर निगम ने आगे यह भी बताया है कि विन्यास जांच समिति ॥ले-आउट स्कूटनी कमेटी॥ ने दिनांक 6.10.1995 को सम्मन्न अपनी बैठक में च्यवन ऋषि अपार्टमेंट्स भवन योजना को पारित करने के पूर्व कुछ शर्तें रखीं थीं । विन्यास जांच समिति दिल्ली विकास प्राधिकरण, दिल्ली अग्नि शमन सेवा, दिल्ली विद्युत बोर्ड आदि सहित विभिन्न विभागों के अधिकारियों को शामिल करके गठित की जाती है । श्री आर.एस.यादव, उप निदेशक ॥मास्टर प्लान॥, दिल्ली विकास प्राधिकरण 6.10.1995 की बैठक में उपस्थित हुए थे और उन्होंने न तो भूमि उपयोग, न ही भूमि के स्वामित्व के बारे में कोई आपत्ति की थी । विभिन्न अपेक्षाओं के अनुपालन के पश्चात् इस मामले पर दिल्ली नगर निगम की स्थायी समिति द्वारा 15.1.1996 को विचार



किया गया था और निर्णय संख्या-3376/एस.टी.जी. के जरिये च्यवन ऋषि अपार्टमेंट्स के नक्शे को अनुमोदित किया गया था । स्थायी समिति ने भी विद्यालय के लिये अनुमोदित अपने पूर्व निर्णय को अतिरिक्त किया ।

§ य § शहरी मामले एवं रोजगार मंत्रालय, शहरी विकास विभाग § दिल्ली प्रभाग § ने दिनांक 15 मई, 1998 के अपने पत्र संख्या-के-13011/28/97-डीडीआईबी § प्रतिलिपि अनुलग्नक-111 § के रूप में संलग्न § ने बताया है कि दिल्ली मास्टर प्लान-2001 के अनुसार उल्लिखित स्थल रिहायशी उपयोग के क्षेत्र में आता है । क्षेत्रीय विकास योजना के अनुसार इस भूमि का उपयोग प्राथमिक विद्यालय के लिये किया जाना है । दिल्ली विकास प्राधिकरण के अभिलेख के अनुसार इस स्थल की भूमि के उपयोग में कोई परिवर्तन नहीं हुआ है । दिल्ली विकास प्राधिकरण के प्रतिनिधि ने यह भी बताया कि जिस स्थान पर च्यवन ऋषि अपार्टमेंट निर्माणाधीन है उसका भूमि उपयोग अभी भी प्राथमिक विद्यालय के लिये ही होना है । श्री चन्द्रवल्लभ, अतिरिक्त आयुक्त § योजना § ने स्पष्ट रूप से सूचित किया है कि पहले से ही अनुमोदित क्षेत्रीय योजना § जोनल प्लान § परिचालित रहेगी । उन्होंने साफ-साफ उल्लेख किया है कि प्रश्नगत भूमि का भूमि उपयोग अभी भी प्राथमिक विद्यालय के लिये ही बना हुआ है । उन्होंने मास्टर प्लान, राजपत्र अधिसूचना संख्या-एस.ओ. 606 § ई § दिनांक 1.8.1990 भारत सरकार, असाधारण भाग-2 की एक प्रतिलिपि प्रस्तुत की है ।

§ ड. § दिल्ली नगर निगम का यह कथन कि मास्टर प्लान-2001 के अनुसार यह भूमि रिहायशी उपयोग के लिये थी, इस प्रकार अपार्टमेंट्स के निर्माण हेतु भवन योजना की मंजूरी प्रदान करना उनके अधिकार क्षेत्र में था-सही नहीं है । दिल्ली नगर निगम/दिल्ली नगर निगम के टाउन प्लानर को और अधिक सतर्क रहना चाहिये था तथा उन्हें अनुमोदित क्षेत्रीय योजना, जो अभी भी प्रचलन में है उसका तथा भूमि के उपयोग में परिवर्तन नहीं हुआ है, इसका उल्लेख करना चाहिये था । इस तरह आवासों के निर्माण की योजना को मंजूरी देना गलत है ।



समिति के विचार से लागू भवन उपविधियों के अनुसार च्यवन ऋषि अपार्टमेंट्स की भवन योजना को मंजूरी नहीं दी गई है ।

11.

**भवन निर्माता/भूमि के मालिकों और विभिन्न एजेंसियों के अधिकारियों के बीच साठ-गांठ की जांच :**

§क§ भूमि की स्थिति और भवन योजना की मंजूरी की चर्चा करते समय जैसा इस प्रतिवेदन में पहले ही बताया जा चुका है, उससे यह साफ जाहिर होता है कि श्री रतिराम के उत्तराधिकारियों और अन्य लोगों के साथ दाखिल-खारिज को मंजूरी देते समय, सेंट जीसस एजुकेशनल सोसायटी को भूमि पर सोसायटी के स्वामित्व का सत्यापन किये बगैर छूट §एजेंसिशन§ प्रमाण-पत्र देते समय और बाद में च्यवन ऋषि अपार्टमेंट के मालिकों और अन्य भागीदारों को अनापत्ति प्रमाण-पत्र जारी करते समय विभिन्न एजेंसियों के अधिकारियों ने किसी न किसी अवसर पर उनके साथ मुप्त सहयोग किया था । यहां तक कि उस भूमि पर भवन योजना को मंजूरी दे दी गई जो कि प्राथमिक विद्यालय के लिये चिन्हित की गई थी ।

§ख§ श्री आर.एस.यादव, तत्कालीन उपनिदेशक §मास्टर प्लान§, दिल्ली विकास प्राधिकरण, दिल्ली नगर निगम की विन्यास जांच समिति §ले-आउट स्कूटिनी कमेटी§ में एक प्रतिनिधि थे । उन्होंने भूमि के स्वामित्व या भूमि उपयोग के बारे में कोई भी आपत्ति नहीं की थी । श्री आर.एस.यादव की खामोशी और कुछ न होकर उनके किसी मुप्त सहयोग की सूचक ही हो सकती है । उनसे आशा थी कि वे भूमि उपयोग व भूमि की स्थिति से भली-भांति परिचित होंगे । जब दिल्ली नगर निगम के टाउन प्लानर ने यह बताया कि भूमि का उपयोग रिहायशी है तो उसने निश्चित रूप से गलत बयानी की थी । क्योंकि भारत सरकार और दिल्ली विकास प्राधिकरण के अनुसार यहां तक कि दिल्ली मास्टर प्लान-2001 के अनुसार भी इस भूमि का उपयोग अभी भी प्राथमिक विद्यालय के लिये ही किया जाना है तथा दिल्ली विकास प्राधिकरण के अन्य अधिकारियों जैसे आयुक्त §भूमि§, श्री यू.एस.जौली ने इस जमीन को वापस लेने में गहरी संघर्ष ली है और यहां तक कि भवन निर्माताओं के खिलाफ इन्होंने उच्च न्यायालय में मुकदमा भी दायर किया है ।



॥ग॥ भूमि के वास्तविक मालिकों अर्थात् नोटिफाइड एरिया कमेटी और जिनका हित उसमें निहित हो, उसके ऐसे उत्तराधिकारियों को उचित सूचना दिये बगैर पहले एक मृत व्यक्ति अर्थात् रतिराम तत्पश्चात् उसके कानूनी वारिसों श्रीमती रामप्यारी और श्री कमल सिंह तथा बाद में उन तमाम व्यक्तियों जिन्होंने यह भूमि रतिराम के कानूनी उत्तराधिकारियों से खरीदी थी, के नाम एक ही दिन में सभी दाखिल-खारिजों को मंजूरी देने की पूरी प्रक्रिया सहित मृत व्यक्तियों के नाम दाखिल-खारिज की मंजूरी यदि गैर कानूनी नहीं है तो भी वह बेहद अनुचित है । इससे निश्चित रूप से ऐसे अधिकारियों, जिन्होंने इस कार्य को किया है उनकी सत्यनिष्ठा पर संदेह पैदा होता है और इसलिये समिति का यह मानना है कि जिन व्यक्तियों के नाम एक ही दिन में दाखिल-खारिज किया गया उनकी मिलीभगत से ही यह कार्य हुआ था ।

॥घ॥ ऐसा प्रतीत होता है कि तत्कालीन सब-रजिस्ट्रार ने जाली बिक्री करारनामे की प्रविष्टि करने में युक्त रूप से सहायता की थी जिसका उद्देश्य इसे नोटिफाइड एरिया कमेटी द्वारा अमल में लाया जाना दिखाना था । सब-रजिस्ट्रार ने सरकारी कागजातों में रतिराम के उत्तराधिकारियों और बाद में 1989 में भूमि की खरीद करने वाले खरीददार व्यक्तियों से सांठ-गांठ करके सरकारी कागजातों में हेरा-फेरी, जालसाजी और जोड़-घटाव ॥इन्टरपोलेशन॥ करने के जरिये आपराधिक कार्य किया है ।

12.

**च्यवन ऋषि अपार्टमेंट्स के बनने से संबंधित विभिन्न पहलुओं की जांच**

॥क॥

वर्तमान में मांडल टाउन में च्यवन ऋषि अपार्टमेंट्स के नाम से 56 अपार्टमेंट्स के ढांचों का निर्माण हो चुका है । अधिकांश फ्लैट अभी अधबने ही हैं क्योंकि उनमें अन्दरूनी प्लास्टर किया जा चुका है और एक ब्लॉक में पांचवीं मंजिल तक संगमरमर का फर्श बिछाया जा चुका है । भवन निर्माता ने इन अपार्टमेंटों में जिन-जिन व्यक्तियों ने अपार्टमेंट खरीदे हैं या बुक कराया हैं उनके नाम भी दे दिये हैं । यह सूची अनुलग्नक-IV के रूप में संलग्न है ।

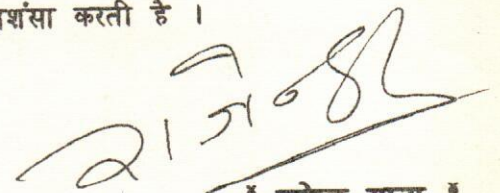


॥स॥ समिति के निर्देश पर दिल्ली नगर निगम द्वारा निर्माण के बारे में स्टेट्स रिपोर्ट भी प्रस्तुत कर दी गई है । यह रिपोर्ट भी अनुलग्नक-५ के रूप में संलग्न है । श्री डी.डी.मिस्तल और उनके वकील ने, जो समिति के समक्ष उपस्थित हुए थे, निवेदन किया था कि वे भूमि के वास्तविक खरीददार हैं और उन्होंने विक्रेताओं और उन व्यक्तियों, जिन्होंने 1989 में भूमि खरीदी थी तथा उन विभिन्न व्यक्तियों, जिन्होंने 1995 में भूमि खरीदी थी, उनके बीच हुए बिक्री करारनामे के आधार पर प्राप्त राजस्व अभिलेखों और अन्य दस्तावेजों को उन्हें दिये जाने पर भूमि के स्वामित्व का सत्यापन किया है ।

13. प्रत्येक मामले में समिति सरकार से समयबद्ध तरीके से उचित कार्रवाई करने की सिफारिश करती है ।

14. समिति यह भी सिफारिश करती है कि चूंकि तत्कालीन नोटिफाइड परिया कमेटी द्वारा यह भूमि श्री रतिराम को कभी भी नहीं बेची गई थी, इस जमीन की सरकार ही मालिक है । सरकार को इस भूमि पर निर्मित ढांचों सुपर स्ट्रक्चर सहित सम्पूर्ण भूमि अपने कब्जे में ले लेनी चाहिये और इसका उचित उपयोग करना चाहिये ।

15. समिति सचिव, दिल्ली विधान सभा तथा अन्य अधिकारियों की उनके शानदार कार्य और समिति को दिये गये सहयोग के लिये भूरि-भूरि प्रशंसा करती है ।



॥ राजेन्द्र गुप्ता ॥  
सभापति

दिल्ली,

दिनांक : 10 सितम्बर, 1998

चयन ऋषि अपार्टमेंट पर गठित समिति





In the Court of Shri S.R.Goel, Additional District  
Delhi.

R.C.A.No. 70-A of 1974.

Smt.Ram Pyari etc

Vs. Union of India.

JUDGMENT:

This appeal by Smt. Ram Pyari, Kanwal Singh and Smt. Krishana, the legal representatives of Ratti Ram deceased plaintiff is against a judgment and decree dated 30.7.1970 passed by Shri Harkrishan Malik, the then Sub Judge 1st Class, Delhi whereby he dismissed the suit of plaintiffs/appellants for a permanent injunction restrain the Union of India from dispossessing them from the suit land, force i.e. otherwise than in due course of law.

2. The facts giving rise to this suit briefly stated are that Ratti Ram, the predecessor-in-interest of the appellants had been cultivating this land for a number of years and had been shown as gair mauzusi tenant under the Notified areas Committee in the revenue record but inspite of that the Union of India through Land and Development Officer, Mathura Road, New Delhi threatened to evict him by force and, therefore ratti ram instituted a suit, out of which this appeal has arisen, for the permanent injunction as stated above.

3. The Union of India in the written statement filed

pleaded that the suit was barred under the provisions of the Public Premises (Eviction of Unauthorised Occupants) Act, 1956. It is also pleaded that the plaintiff had filed a suit and that was dismissed. Therefore, the time was barred by the principles of res judicata. It was pleaded by the Union of India that the suit Land was transferred to the administrative control of the Land and Development Officer, New Delhi and this land was previously occupied by Baldev Raj who had given it to the plaintiff for cultivation and the proceedings under the Public Premises (Eviction of Unauthorised Occupants) Act, 1959 were started against Baldev Raj and Baldev Raj fearing his eviction handed over the possession of the Land to Ratti Ram. It was also pleaded that Ratti Ram was removed from the site on 14.10.65 and he again illegally entered in possession of the land after that. It was pleaded that he was not a tenant but was a unauthorised occupant.

4. The suit of the plaintiff was tried on the following issues:-

- (1) Whether the suit is barred under the provisions of the Public Premises (Eviction of Unauthorised Occupants) Act?
  - (2) Whether the suit against defendant No.2 is maintainable?
  - (3) Whether the plaintiff is in possession of the land in suit? If so to what effect?
  - (4) Whether the threatened action of the defendant regarding eviction of the plaintiff from the land in suit is illegal (is allowed)?
  - (5) Relief.
5. The Learned sub Judge decided issue No.1 against the



plaintiff holding that the suit of the plaintiff against defendant No.2 i.e. Land and Development Officer by virtue of his office alone was not maintainable, he decided issue No.3 in favour of the plaintiff holding that the plaintiff has been in possession of the suit land. issue No.1 was decided by the learned Sub Judge in favour of the defendant and against the plaintiff and so was the decision on issue No.4 and as a result of the decision on these issues the suit of the plaintiff was dismissed with costs.

6. Feeling aggrieved, the plaintiffs have come to this court in appeal.

7. I have heard Shri D.B.Malhotra, the learned counsel for the appellants and Shri Prahlad Dayal, the learned counsel for the Union of India. the finding of the learned Sub Judge on issue No.3 which is to the effect that the appellants are in possession of the suit land has not been contested before me by the learned counsel for the Union of India. Similarly, the learned counsel for the appellants has not assailed before me the findings of the learned Sub Judge on issue No.2 which is to the effect that the suit against the Land and Development Officer is not maintainable. Therefore, the findings of the learned Sub Judge on these issues are hereby affirmed.

8. Learned Counsel for the appellant assails before me the



findings of the learned Sub Judge on issue No.1, as well as on issue No.4. He contends that no action under the provisions of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 was taken against Ratti Ram or the present appellants who are his successors in interest and, therefore, no provision in the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 can bar the present suit. He has also contended that the Public Premises (Eviction of Unauthorised Occupants) Act 1958 was declared ultra vires by the Hon'ble Delhi High Court as well as by Hon'ble supreme Court and so any provision in an act which has been declared to be ultra vires of the Constitution by the Highest court of the land can bar the trial of this suit. So far as the first contention of the learned counsel for the appellants is concerned it is not taken under the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 against Ratti Ram, the predecessor-in-interest of the present appellants or against the appellants. He contends that the action was taken against baldev Raj and fearing that he would be evicted he handed over the possession of this land to Ratti Ram and so Ratti Ram got this land through baldev Raj and so the provisions of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 would apply and so it would be deemed that an action is taken against Ratti Ram and his successors in interest also under the provisions of Public Premises (Eviction of Unauthorised Occupants) Act, 1958. this contention of the learned Counsel for the respondent cannot be accepted. the provisions of Public Premises (Eviction of Unauthorised Occupants) Act



would exclude the jurisdiction civil court the trial of a suit by a person if action is taken against that person or against his predecessor-in-interest and not when action against the Public Premises (Eviction of Unauthorised Occupants) Act is taken against some third person with whom the plaintiff had no connection. The plaintiff in this case alleges that he is a tenant and that too under the Notified Area Committee. the learned Sub Judge has given a finding that he is an unauthorised occupant. so whatever may be the position it cannot be, said that Rati Ram came in possession of the land by driving his title from Baldev Raj. Therefore, the suit of the plaintiff is not barred under any provision of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958.

9. Moreover, section 7(2) of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 under which action was taken against Baldev Raj was struck down as unconstitutional by the Hon'ble supreme court in A.I.R. 1965 Supreme Court page 1076 as this Act was also struck down as unconstitutional by the Supreme Court in A.I.R. 1967 Supreme Court page 150. Therefore, an Act which has been struck down as unconstitutional cannot oust the jurisdiction of the civil court to try a suit of the plaintiff. Therefore, I hold that the suit of the plaintiff is not barred by the provision of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 and the findings of the learned Sub Judge on issue No.1 is wrong and is consequently set aside.



10. Now the question to be seen is whether Ratti Ram was in occupation of this land as a tenant as in the land of the plaintiff or he was an unauthorised occupant a case of the defendant. The learned sub Judge has given a finding that the plaintiff i.e. Ratti Ram was an unlawful occupant of the land. After hearing the learned counsel for the appellants and going through the copies of the khasra girdwari place by him on record I also agree with this finding of the learned Sub Judge that Ratti Ram was an unlawful occupant of this land and so the appellants could not derive their title through Ratti Ram and also the illegal occupants. The learned counsel for the appellants has drawn my attention to the copies of Khasra girdhari which are Ext.P6 to Ext.P9. The entries in the Khasra girdhari are that Ratti Ram was occupying this as a gair maurasi tenant of the Notified Area Committee in the year of 1963. These khasra girdhari also that on the year 1961 and prior to that baldev Raj was occupying this land. Baldev Raj, according to the learned counsel for the respondent was unauthorised occupant and he had been evicted from the suit land. Therefore, this Ratti Ram came in possession of the land in the year 1962 or 1963. In order to prove that he was a tenant under the Notified Area Committee it was necessary for him to prove that he took this land on lease from some authorised official of the Notified Area Committee and that too by the execution of a document because Nobody on behalf of a Notified Area Committee could give him this land orally on lease. No such document has been produced by the plaintiff nor any person for the Notified Area Committee.



tee has been examined by him. Therefore, it is to be held in the absence of important evidence that Ratti Ram entered in possession of the land after Baldev Raj had vacated the same and he entered in its possession illegally and not as a tenant of the Notified Area Committee. No reliance can be placed on these entries in the khasra girdwari showing him a tenant for the year 1963 because khasra girdwari are not a part of record of rights and no presumption of truth attaches to entries in khasra girdwari. As already discussed, those entries in the khasra girdwari might have been got made by Ratti Ram in collusion with the Patwari and similarly he might have got the lean receipt Ext. P1 to Ext. P5 from the lambarदार and it is now settled by the Hon'ble Supreme Court that the payment of rent/damages does not confer on a person and status of a tenant. Therefore, it is held that Ratti Ram an unauthorised occupant of the premises and so are the present appellants. The finding of the learned Sub Judge on this issue therefore hereby affirmed.

11. Now the question arises whether the present appellants, although they are unauthorised occupants, can be evicted by force by the Union of India. The Hon'ble Delhi High Court in Baldev Raj Vs D.D.A reported in 197 D.L.R. page 4 held that even an unauthorised occupant has got the protection of law and he is to be dispossessed in due course of law. Same is the ratio of the case Mahan Lal & Others Vs. State of Punjab decided by Hon'ble Mr. Justice K.S. Hegde of the Supreme court.



and reported in 1970 R.C.J page 95. Therefore even though the appellants are unauthorised occupants they entitled to the protection of law and cannot be evicted otherwise than in due course of law i.e. the Union Of India can evict them under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 and not by throwing them out of the land by force.

12. Learned Counsel for the appellants also pointed out to me that Ratti Ram, the plaintiff, in this case died on 25.12.69 when his suit was before the learned Sub Judge and the present appellants applied for impleading them as legal representatives on 12.1.70 but the learned Sub Judge passed the decree on 30.4.70 without passing an order on the application of the appellants and, therefore, the decree passed was against a dead person and as a nullity. I do not find any force in this contention of the learned counsel for the appellants. It has not been contested before me by Shri Prehlad Dayal, the learned counsel for the Union of India, that the present appellants are the legal representatives of Ratti Ram. The present appellants had applied within the statutory period of impleading them as legal representatives. If the learned Sub Judge did not pass the proper order on this application it was a rare irregularity and it does not mean that the court proceedings before him became null and void particularly when an application had been made against the legal representatives of the deceased. The decree dated 30.4.71 in the circumstances of the case shall be deemed to have been passed against the present appellants. It is a rare



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No.K-13011/28/97-DDIB  
GOVERNMENT OF INDIA  
MINISTRY OF URBAN AFFAIRS & EMPLOYMENT  
DEPARTMENT OF URBAN DEVELOPMENT  
(DELHI DIVISION)

...

New Delhi, dated the 15th May, 1998

To

✓  
Shri P.C. Aggarwal,  
Deputy Secretary (Admr.),  
Legislative Assembly, Sectt.,  
Old Secretariat, Delhi-110054.

Sub: Charge of land use in respect of the plot of  
land where apartments called Chavan Rishi Apartments  
in the Model Town Area of Delhi.

...

Sir,

I am directed to refer to your letter No.19(39)/97-  
LAS/11783 dated 24th Dec. 97 on the above cited subject  
and to say that the DDA has reported that as per MPD  
2001 the site under reference falls in residential use  
Zone. The land use of site as per the Zonal Development  
Plan is Primary School. As per records of DDA, the  
land use of the site has not been changed.

Yours faithfully

*K.K. Gupta*  
(K.K. GUPTA)

UNDER SECRETARY (DD)

CAHVAN RISHI APARTMENTS, MALL ROAD

NEAR ALPANA CINEMA, MODEL TOWN -I DELHI

SR.NO.	NAME OF PARTY/PERSON	ADDRESS	AMOUNT RECEIVED
1.	Prashant Aggarwal	1945, Out Ram Line Kingsway Camp, Delhi 110009.	13,00,000
2.	Ravi Aggarwal	39, Anand Vihar Pitam Pura, New Delhi.	7,00,000
3.	Shard Jain	2737, Chhatta Pratap Singh, Kinari Bazar, Chandni Chauk, Delhi 110006.	3,40,000
4.	Mrs. Usha Dheeran	142, Akbar Pur Mazra Delhi -1100 36	2,20,000
5.	Jetha Nand Nagdev	A-9, Swasthya Vihar, New Delhi 110092	5,71,000
6.	D.K Nagdev	A-9, Swasthya Vihar, New Delhi 110092	5,71,000
7.	Shri Krishan Gupta & Company	C-74, Mahendru Enclave, G.T. Karnal Road, Delhi.	4,00,000
8.	Mangat Ram Rajinder Prasad	138, Ist Floor, Pul Mithai, Teliwara, Delhi 110006.	1,75,000 1,25,000
9.	Arun Gupta	C-74, Mahendru Enclave, G.T. Karnal Road, Delhi.	4,00,000
10.	Anil Ahuja	B-59, Shakti Apartments Rohini, Sec-9, Delhi.	1,00,000
11.	Gopal Dass Ahuja	B-59, Shakti Apartme Rohini, Sec-9 Delhi	10,00,000
12.	Deepak Kumar Jain.	C/O Radha Fancy Store, 67, Chandni Chauk, Delhi.	4,50,000



13. Ajit Gupta	A-20, Panchvati, G.T. Road, Delhi.	5,00,000
14. Miss. Sonam Bansal	24, Sri Ram Road, Civil Lines, Delhi 110054.	1,20,000
15. Mrs. Seema Bansal	24, Sri Ram Road, Civil Lines, Delhi.	50,000
16. Haryana Paneer Bhandaar	2305, Gali Hinga Ber, Tilak Bazar, Delhi 110006.	1,00,000
17. Rajinder Goel	----Do----	80,000
18. Jagmohan Goel	----Do ----	80,000
19. Raj kumari Bansal	Banglow Road, Kamla Nagar, Delhi.	80,000
20. Jagdish Goel	2305, Gali Hinga Ber Tilak Bazar, Delhi	1,00,000
21. Charan Dass Bhatia	Block No.1 Ground Floor Rishi Apartment Civil Line Delhi	6,00,000
22. Geeta Jain	8/13 A Sriram Road Civil Line Delhi	4,00,000
23. Rippan Jain	--- Do -----	4,00,000
24. Manish Jain	-----Do-----	4,00,000
25. Swaraj Rani Jain	----Do-----	4,00,000
26. J.P Jain	Bangloew Road, Kamala Nagar Delhi	13,75,000
27. N.P Jain	Bangloew Road, Kamala Nagar Delhi	13,75,000
28. Rajinder P. Jain Liela Jain	Banglow Road, Kamala Nagar, Delhi	13,75,000
29. Ravinder P. Jain Rajeev Jain	Banglow Road Kamla Nagar, Delhi	13,75,000
30. Shyama Jain	5520 Katra Moti Nai Sadak Delhi	1,00,000
31. Gopal Dass Estate	Dr. Gopal Dass Bhawan	11,00,000

*(Signature)*

32. Gopal Dass Estate Housing P Ltd	Dr. Gopal Dass Bhawan 28, Barakhamba Road New Delhi	11,00,000
33. Gopal Dass Estate Housing P Ltd	Dr. Gopal Dass Bhawan 28, Barakhamba Road New Delhi	11,00,000
34. Gopal Dass Estate Housing P Ltd	Dr. Gopal Dass Bhawan 28, Barakhamba Road New Delhi	11,00,000
35. Gopal Dass Estate Housing P Ltd	Dr. Gopal Dass Bhawan 28, Barakhamba Road New Delhi	8,75,000
36. Hoover service P Ltd	Dr. Gopal Dass Bhawan 28, Barakhamba Road New Delhi	8,00,000
37. R.D Verma & Company	Dr. Gopal Dass Bhawan 28, Barakhamba Road New Delhi	7,50,000
38. R.D Verma & Company	Dr. Gopal Dass Bhawan 28, Barakhamba Road New Delhi	7,50,000
39. Gujral Estate	Dr. Gopal Dass Bhawan 28, Barakhamba Road New- Delhi	5,00,000
40. Ardee Infrastructure (P) Ltd	Dr. Gopal Dass Bhawan 28, Barakhamba Road New- Delhi	10,50,000
41. Ardee Infrastructure (P) Ltd	Dr. Gopal Dass Bhawan 28, Barakhamba Road New- Delhi	10,50,000
42. 41. Ardee Infrastructure (P) Ltd	Dr. Gopal Dass Bhawan 28, Barakhamba Road New- Delhi	11,50,000

Total

2,65,87,000





Municipal Corporation of Delhi  
Building Department: C.L. Zone

Sub: Construction of Chavan Rishi Apartments in Model Town, Delhi

Please refer to the following status report of the subject property asked by the Sub-Committee of Delhi Legislative Assembly, with respect to their inspection dated 9.6.1998:

This property consists of four blocks, where

Ist block is constructed from basement to IVth floor.

IIInd block is constructed from basement to IIIrd floor.

IIIrd block is constructed from GF to VIIth floor.

IVth block is constructed from GF to VIIth floor.

Ist block : (Front right)

S.N.	Floor	Flooring	G.I. pipe fittings in kitchen	Plaster	Door Chauhats (Nos.)	Window Chauhats (Nos.)
1.	Basement (Note : Only pillars exist)	x	x	x	x	x
2.	G.F. ( Only parking)	x	x	x	x	x
3.	F.F.	x	Partly	x	21	15
4.	S.F.	x	x	x	21	12
5.	T.F.	x	x	x	19	3
6.	IVth F. (Only pillars exist)	x	x	x	x	x

IIInd block: (Front left)

1.	Basement (Note:- Only pillars exist)	x	x	x	x	x
2.	G.F. ( Only parking)	x	x	x	x	x
3.	F.F.	x	Partly	Maximum	22	30
4.	S.F.	x	Partly	Maximum	19	20
5.	T.F. (Note: Only pillars and roof exist)	x	x	x	x	x

IIIrd block: (Rear left)

1.	G.F. (Only parking)	x	x	x	x	x
----	------------------------	---	---	---	---	---

S.N.	Floor	Flooring	G.I. pipe fittings in kitchen	Plaster	Door Chakhat (Nos.)	Window Chakhat (Nos.)
3.	S.F.	Maximum	Partly	Maximum	28	48
4.	T.F.	Maximum	Partly	Maximum	30	44
5.	IVth F.	Maximum	Partly	Maximum	33	43
6.	Vth F.	Maximum	Partly	Maximum	31	37
7.	Vith F.	x	x	Partly	30	38
8.	VIIth F.	x	x	x	12	9

IVth block 1 (Rear right)

1.	G.F.	x	x	x	x	x
	(Only parking)					
2.	F.F.	x	Partly	Minimum	31	31
3.	S.F.	x	Partly	Minimum	32	37
	(Door - 1 No.)					
4.	T.F.	x	x	Maximum	34	36
5.	IVth F.	x	Partly	Maximum	34	40
6.	Vth F.	x	Partly	Maximum	34	29
7.	Vith F.	x	x	Maximum	33	18
8.	VIIth F.	x	x	x	x	x

(Note:- Only pillars & partly roof exist)

In addition to this there is no fittings in bath, U.C.

Submitted please.

*R. L. D.*  
22/6/88

Zonal Engineer(Bldg.)/C.L.Zone

Executive Engineer(Bldg.)/C.L.Zone

Superintending Engineer/C.L.Zone

*Kishan*  
(Kishan Devnani)  
Jr. Engineer(Bldg.)/CL2

*R. L. D.*  
22/6/88  
*S. M. T.*  
22/6





दिल्ली विधान सभा  
DELHI LEGISLATIVE ASSEMBLY

दिल्ली के माडल टाउन क्षेत्र में बहुमंजिले भवन  
"च्यवन ऋषि अपार्टमेंट्स" के विभिन्न पहलुओं  
की जांच हेतु गठित समिति का  
प्रतिवेदन

Report of the  
Committee to probe into the  
various aspect of the coming up of a  
multi-storeyed building called  
'Chavan Rishi Apartments' in the  
Model Town Area of Delhi.

दिनांक : 24 सितम्बर, 1998 को सदन में प्रस्तुत  
(Presented in the House on 24th September, 1998)

दिल्ली विधान सभा सचिवालय  
पुराना सचिवालय, दिल्ली - 110054  
DELHI LEGISLATIVE ASSEMBLY SECRETARIAT  
OLD SECRETARIAT, DELHI.

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DELHI LEGISLATIVE ASSEMBLY

COMMITTEE ON CHAVAN RISHI APARTMENTS IN THE MODEL

TOWN AREA OF DELHI

\* \* \*

COMPOSITION OF THE COMMITTEE

- |    |                                |          |
|----|--------------------------------|----------|
| 1. | Shri Rajendra Gupta (Timarpur) | Chairman |
| 2. | Shri Rajesh Sharma             | Member   |
| 3. | Shri Swaroop Chand Rajan       | Member   |
| 4. | Shri Deep Chand Bandhu         | Member   |
| 5. | Shri Suraj Prasad Paliwal      | Member   |

SECRETARIAT

- |    |                   |                   |
|----|-------------------|-------------------|
| 1. | Shri P.N. Gupta   | Secretary         |
| 2. | Shri P.C. Agarwal | Dy Secretary      |
| 3. | Shri K.L. Kohli   | Committee Officer |

DELHI LEGISLATIVE ASSEMBLY**COMMITTEE ON CHAVAN RISHI APARTMENTS,  
MODEL TOWN, DELHI.**

I, Rajendra Gupta, Chairman of the Committee to probe into the various aspects of the coming up of multi-storeyed building called CHAVAN RISHI APARTMENTS in the Model Town area of Delhi, having been authorised by the Committee to present this Report on their behalf, do present this Report.



( RAJENDRA GUPTA )  
CHAIRMAN  
COMMITTEE ON CHAVAN RISHI APARTMENTS

DELHI

10-9-1998



R E P O R T

A number of Members raised the issue regarding construction of multi-storeyed flats known as Chavan Rishi Apartments in the sitting of the House held on 28-8-97 and expressed serious doubts about the various aspects of the coming into being of this complex. After deliberations, the House passed a unanimous Resolution authorising Hon'ble Speaker to appoint a Committee consisting of 5 Members to go into the various aspects of these Apartments in Model Town area of Delhi.

2. The Hon'ble Speaker constituted the Committee on 29-10-1997 consisting of the following:-

Shri Rajendra Gupta, MLA	Chairman
Shri Rajesh Sharma, MLA	Member
Shri Swarup Chand Rajan, MLA	Member
Shri Deep Chand Bandhu, MLA	Member
Shri Suraj Prasad Paliwal, MLA	Member

3. The terms of reference of the Committee were as under:-

(1) To probe into the various aspects of the coming into being of Chavan Rishi Apartments.

(2) To probe into the actual status of the land and the ownership thereof.

(3) To inquire into whether there has been connivance between the builder/owners of the land and

officers of the various agencies.

(4) Whether the building plan was sanctioned according to building bye-laws.

4. A public notice concerning the Chavan Rishi Apartments was also issued in the following newspapers inviting public at large to make representations about these apartments:-

1. Hindustan Times (English)
2. Indian Express (English)
3. Nav Bharat Times (Hindi)
4. Dainik Jagran (Hindi)
5. Milap (Urdu)

5. In response to the above public notice only two representations were received; one from Sahkaar, a Residents Welfare Association of B2 and F Blocks of Model Town, Delhi, and the other from Chavan Rishi Apartments.

6. The Committee held 16 sittings and examined the various documents relating to the land, sanction of site plans, land use as per Master Plan, revenue records and other documents. The Committee also took evidence from the representatives of various Government Departments like Land and Building, DDA, Revenue, MCD etc. The Committee also gave an opportunity to the representative of Chavan Rishi Apartments, Shri D.D. Mittal, who appeared before the Committee alongwith his lawyer.



7. The Committee also inspected the Apartments at site in the Model Town area on 30-6-1998 and familiarised itself with the actual construction and other aspects of the flats in question.

8. The Committee after examining all documents as produced before it and taking into consideration the submissions made by the various departments and Shri D.D. Mittal and his lawyer on behalf of Chavan Rishi Apartments recommends as under:-

9. The actual status of the land and the ownership thereof.

(a) The Notified Area Committee, Civil District, purchased 7.86 acres (38065 Sq Yds) of land from Lala Raghbar Dayal for a sum of Rs.9200/- on 8-2-1919, comprising of Khasra No.201, 202, 203, 206 and 207 situated in Village Malakpur. This land was further given on lease to Mr. Edward Keventer for a period of 30 years by the Notified Area Committee at an annual rent of Rs.500/- w.e.f. 1-11-1920.

(b) The representative of Chavan Rishi Apartments submitted that the Notified Area Committee in its meeting held on 2-1-1943 vide Resolution No.10 accepted the request of Mr. Keventer and resolved that the land admeasuring 17 Bighas and 14 Biswa comprising Khasra No.594, 564, 202 - total 7 Bighas 4 Biswa and Khasra No.203 measuring 10 Bighas and 10 Biswa -

total= 17 Bighas 14 Biswa, may be sold to Shri Rati Ram for Rs.1760/- In the meeting of the Committee held on 4-3-1943 it was stated that the Chief Commissioner has conveyed the approval for the sale of the aforesaid land and as such the Committee resolved vide Item No.31 that the Sale Deed for the same be executed on behalf of the Committee in favour of Shri Rati Ram. The Sale Deed was alleged to have been accordingly executed between the Notified Area Committee and Shri Rati Ram on 20-5-1943.

- (c) It may be pertinent to note that the land measuring 38065 Sq Yds or 7.86 acres was purchased by the Notified Area Committee for a sum of Rs.9200/- in the year 1919 whereas the land measuring 17 Bighas 14 Biswa i.e. 17700 Sq Yds has been shown to have been sold for a paltry sum of Rs.1760/- on 20th May, 1943. Even if it is presumed for argument sake that there was absolutely no appreciation in prices of land from 1919 to 1943, then the price should have been Rs.4278/- for this piece of land i.e. the cost price at which the land was purchased in 1919. However, no sensible person can say that there was no appreciation in prices from 1919 to 1943. In fact, prices started rising steeply from 1938 onwards. Thus it throws doubt that the Notified Area Committee or even the then Deputy Commissioner/Chief Commissioner of Delhi would have agreed to part with this land at much below the cost price.



- (d) The heirs of Rati Ram namely Smt. Ram Pyari, widow of Rati Ram and Shri Kamal Singh, son of Rati Ram, sold this land on 26-5-1989 to 17 persons as mentioned below:-

S.No.	Name & Address	Land Purchased	
		Bigha	Biswa
1.	Shri Ashok Arora, S/o. Shri Gulzari Lal, R/o.48/32 Phatak Nanak, Hauz Qazi, Delhi.	1	-
2.	Shri Mttter Prakash, S/o. Shri Gulzari Lal, R/o.48/32 Phatak Nanak, Hauz Qazi, Delhi.	1	-
3.	Shri Bharat Bhushan, S/o. Shri Raghunath, R/o. D-7 West Patel Nagar, Delhi.	1	14
4.	Shri Ashok Kumar Sehra, S/o. Shri Manohar Lal, F-108/109, Lajpat Nagar, New Delhi.	1	-
5.	Shri Harish Kumar, S/o. Shri Manohar Lal, R/o.H-5, Lajpat Nagar, New Delhi.	1	-
6.	Shri Virender Kumar, S/o. Shri Manohar Lal, R/o.H-5, Lajpat Nagar, New Delhi.	1	-
7.	Smt. Suman Sehra, W/o. Shri Prem Kumar R/O.208, Vinod Puri, Lajpat Nagar, New Delhi.	1	-
8.	Smt. Sunita Sehra, W/o. Shri Harish Kumar, R/o.H-5, Lajpat Nagar, New Delhi.	1	-
9.	Shri Prem Kumar, S/o. Shri Manohar Lal, R/o.208, Vinod Puri, Lajpat Nagar, New Delhi.	1	-
10.	Shri Parveen Kumar, S/o. Shri Ram Dayal, R/o.C-170 Dayanand Colony, Lajpat Nagar, New Delhi.	1	-

<u>S.No.</u>	<u>Name &amp; Address</u>	<u>Land Purchased</u>	
		<u>Bigha</u>	<u>Biswa</u>
11.	Smt. Shoba Sehra, W/o. Shri Ashok Sehra, R/O.108/109, Lajpat Nagar, New Delhi.	1	-
12.	Late Shri Gulzari Lal, S/o. Shri Hari Chand, R/o.4482, Phatak Nanak, Hauz Qazi, Delhi.	1	-
13.	Shri Mahesh Kumar Sehra, S/o. Shri Manohar Lal, R/o. 13/6 Pant Nagar, Jangpura, Delhi.	1	-
14.	Smt. Sneha Lata, W/o. Shri Virender Kumar Sehra, R/o.H-5, Lajpat Nagar, New Delhi.	1	-
15.	Shri Sarbjit Sharma, S/o. Shri K.D. Sakan, R/o. 3/45 Janakpuri, New Delhi.	1	-
16.	Smt. Kanchan Bala	1	-
17.	Shri Rajesh Kumar, S/o. Shri Manohar Lal.	1	-
Total =		17	14

- (e) The mutation of this land comprising Khasra No.594, 564, 202 and Khasra No.203 - total 17 Bighas and 14 Biswa was first made in the revenue records in the name of late Shri Rati Ram by Naib Tehsildar Shri Risal Singh on 28-7-89. On the same day he again mutated this land in the name of Smt. Ram Pyari and Shri Kamal Singh. Thereafter, on this very day this



in possession of the land and cultivating the same does not confer a title on him and he himself had stated that he never purchased this land but was only a tenant. It throws doubt that the Sale Deed dated 20-5-1943 is genuine and, therefore, seems to be fictitious and bogus and a piece of forgery made much later.

(j) Mr. Edward Keventer vide his letter No.414 dated 20th April, 1950 made a request to the Notified Area Committee for extension of Lease for a further period of 30 years. Had Mr. Keventer made a request as stated in Para 9(b) above, earlier for sale of this land in favour of Shri Rati Ram, then he would not have made a request in the year 1950 for extension of Lease by 30 years. It again controverts the fact about the sale of land in 1943 by the Notified Area Committee and proves that the Sale Deed of 1943 is a piece of forgery.

(k) It may also be mentioned here that on 5th May, 1954 the Housing and Construction Ltd. New Delhi which has developed the entire Model Town area, to which the land in question, abuts applied to the Deputy Commissioner, Delhi for sale of this land to enable them to have the contiguous area. However, the Deputy Commissioner declined the request. Had this land been sold by Notified Area Committee in 1943 the Deputy Commissioner would have certainly stated that

they are not the owners of the land and the same stood sold to Shri Rati Ram in 1943 but the reply given was that "the land cannot be sold". However, the fact of real ownership would have been known to the Company who had purchased such a huge land to which this land was appurtenant to. Shri Rati Ram or even Mr. Keventer at no time claimed the ownership of the land. Mr. Keventer was merely a lessee of this land. Therefore, again it throws doubt that the said land was actually sold in 1943 to Shri Rati Ram by the Notified Area Committee.

- (1) Urban Land Ceiling - The entire land of 17 Bighas 14 Biswa i.e. 17700 Sq Yds is located within the Urban agglomeration of Delhi. The Urban Land (Ceiling & Regulation) Act, 1976, imposed a ceiling on holding of vacant land in Delhi as maximum of 500 Sq. Mtrs. Even if by any stretch of imagination, Shri Rati Ram be said as a bonafide purchaser of this land and his legal heirs succeeded him on his death, they were holding land far in excess of the limit prescribed. It was incumbent upon every person who held urban land in excess of 500 Sq. Mtrs to file a return under Section 6(1) of the Act with the Competent Authority as designated under the Act.
- (m) It is also alleged that the entire land of 17 Bighas 14 Biswa was sold to 17 persons on 26-5-1989 and mutation was made in Delhi. It has also come on



record that one St. Jesus Educational Society, D-3/45 Janakpuri, New Delhi ( it is not known whether the Society is registered or not under the Societies Registration Act, 1860) applied for N.O.C. The N.O.C. was issued to the Society on 20-11-1991. Here again the Committee is taken aback by the fact that a gross irregularity has been committed by the Competent Authority in issuing the NOC under Section 19 (1) (vii) of the Act. The Competent Authority did not verify the status of the land as it existed in the year 1976. If the land was surplus then the subsequent sale/purchase by 17 persons would not change the status of the land and it remains surplus land. This land was never transferred to the St. Jesus Educational Society and as such the Educational Society never held the land or did not become the owner of the land. The issue of No Objection Certificate was against law and clearly indicates connivance of the then Competent Authority in issuing this NOC to the Society. It is understood that Shri J.D. Jain, the then Competent Authority has since retired. However, this being an illegal act suitable action be taken against him so that other officers do not indulge in such patent illegal acts.

- (n) A total land of 10 Bighas 14 Biswa i.e. 10700 Sq Yds was purchased from various persons who had earlier acquired land from the heirs of Rati Ram in

the year 1989 on 5th April, 1995 by the following persons:-

<u>S.No.</u>	<u>Name</u>
1.	Chavan Rishi Construction Pvt. Ltd.
2.	Manoj Mittal S/o. Shri D.D. Mittal
3.	Qutab Developers Pvt Ltd.
4.	Chavan Rishi Builders Pvt. Ltd.
5.	Number One Exports Pvt. Ltd.
6.	M/s Qutab Construction Pvt. Ltd.
7.	Varun Estate Pvt. Ltd.
8.	J.M.D. Buildwell Pvt. Ltd.
9.	Vinman DEvelopers Pvt. Ltd.
10.	Rajender Mittal S/o. Shri D.D. Mittal
11.	Qutab Chemicals Pvt. Ltd."
12.	Vinod Mittal S/o. Shri D.D. Mittal
13.	Chavan Rishi Int. Ltd.
14.	Cosmos Builders & Promoters Ltd.
15.	Chavan Rishi Buildwell (P) Ltd.
16.	Vinman Buildwell Pvt. Ltd.
17.	Number One Developers (P) Ltd.
18.	Vinman Construction Pvt. Ltd.
19.	Qutab Buildwell Pvt. Ltd.
20.	Shri D.D. Mittal S/o. Late Shri Ram Chander.

- (o) Shri S.S. Rathore, Competent Authority under the Urban Land (Ceiling & Regulation) Act, 1976 issued a No Objection Certificate to these persons vide his order No.F.C.AD/11790/91/95-ULC dated 1-11-95. It seems that the Competent Authority has been misled to issue this order on the ground that the holding of each person was less than 500 Sq. Mtrs. He should have gone into the issue of possession of this land since 1976 and taken into consideration holding of all prior



owners. No such exercise has been made and this No Objection Certificate is defective. He should have examined the title of the land and also considered the total holding of each person separately.

(p) As per Secretary (Revenue), the actual genuineness of the Sale Deed could not be verified as most of the documents are in the custody of the High Court and he could not obtain a copy thereof. He has, however, given in writing that to ascertain the genuineness of the Sale Deed No.1970, Sub Registrar-I Kashmere Gate was contacted and he revealed that the Volume No.2262 consisting document of Sale Deed No.1970 has been seized by the Delhi High Court on 4-8-1997 in Civil Writ Petition No. 3830/96 in the matter of 'Girdhari Lal Tiwari V/s Union of India & Ors'. The other co-related records of Sub Registrar Office was inspected. An Index Alphabetical Register of 1943 was inspected and there was two cross entries in that Register regarding sale transaction of the disputed land. There is over writing at both the entries and it appears that over writing is in different hand and ink which indicates towards their later interpolation. The copy of the same is annexed as **Annexure-II**.

(q) It seems at one stage or the other the Office of the Sub Registrar, Kashmere Gate, Delhi became a party and facilitated a forged Sale Deed being registered in back date. The Sale Deed of 1943 might have been

registered at a much later date. It is a common practice that every person who buys land rushes to the Revenue authorities for mutation and for assessment and for entry of his name in Revenue Records and of the Municipal Corporation Department. The silence of Shri Rati Ram or his legal heirs from 1943 to 1988 is unexplainable and throws doubt about the genuineness of the Sale Deed and the circumstantial evidence establishes that it might have been done some time in 1988 or thereabout. The then Sub Registrar must have connived in facilitating entry of a forged Sale Deed which was purported to have been executed in 1943 by the Notified Area Committee. The Sub Registrar has committed criminal offence in collusion with the persons i.e. the heirs of Rati Ram and the subsequent purchasers in the year 1989.

9.1 To sum up, the actual status of the land has been given above. There is plenty of doubt about the genuineness of the Sale Deed dated 20-5-1943 by the Notified Area Committee in favour of Shi Rati Ram as per the evidence already adduced.

9.2 Consequently all persons claiming title through him i.e. his legal heirs, the purchasers in interest from legal and subsequent purchasers again did not have a better title than what was owned by Shri Rati Ram. As Shri Rati Ram was not having any title in land, all subsequent transactions were void and successors in interest do not get a valid title.



9.3 Even if one holds that the sale in favour of Shri Rati Ram was genuine then the land in excess of 1000 Sq Mtrs was hit by the provisions of Urban Land (Ceiling & Regulation) Act, 1976 and the excess land could be acquired by the Government at a nominal rate of Rs.10/- per Sq. Mtr.

9.4 The land was never transferred in the name of St. Jesus Educational Society and the Order passed by the then Competent Authority under Urban Land (Ceiling & Regulation) Act, was illegal and malafide.

9.5 Even No Objection Certificate given to the present owners of Chavan Rishi Apartments is defective as the land became surplus.

10. Whether the building plan was sanctioned according to building bye-laws:

- (a) The case of the Chavan Rishi Apartments is that the building plans were sanctioned validly by virtue of its having the legal ownership of the land. The Municipal Corporation has stated that they verified the title of land from the Revenue Department and only after their certification that "the ownership of the land vests in the various persons who are the constituents of Chavan Rishi Apartments", that they sanctioned the building plans. The land use of the area as per MPD-2001 which was notified in August, 1990 is "residential" with a density of 350 per hectare. AS per the Master Plan 1962 also the land

use was "residential". As per approved Lay Out Plan of Model Town the site is shown as "others land".

(b) As per the approved Zonal DEvelopment Plan the land is earmarked for a primary school. This land use of the site has not been changed so far.

(c) The MCD has further stated that the Lay Out Scrutiny Committee in its meeting held on 6-10-1995 laid down certain conditions before passing the building plan of Chavan Rishi Apartments. The Lay Out Scrutiny Committee is constituted of officers of various departments including DDA, Delhi Fire Service, DVB etc. Shri R.S. Yadav, Deputy Director (MP), DDA, attended the meeting on 6-10-1995 and he never took any objection either to the land use or the ownership of the land. After securing compliance of the various requirements, the case was considered by the Standing Committee of the MCD on 15-1-1996 and approved the Lay Out Plan of Chavan Rishi Apartments vide Decision No.3376/STG. The Standing Committee also superseded its earlier decision of approving the site for a school.

(d) The Ministry of Urban Affairs & Employment, Department of Urban Development (Delhi Division) vide its letter No.K-13011/28/97-DDIB dated 15th May, 1998 (copy annexed as **Annexure-III**) has stated that as per MPD

2001 the site under reference falls in residential



use zone. The land use of the site as per the Zonal Development Plan is primary school. As per record of the DDA the land use of the site has not been changed. The representative of the DDA also stated that the land use of the place where Chavan Rishi Apartments are under construction remains for primary school. Shri Chander Ballabh, Addl. Commissioner (Planning), DDA, has intimated clearly that the already approved Zonal Plan shall continue to be operative. He has clearly mentioned that the land use of the land in question remains for primary school. He has also submitted a copy of the Master Plan, Gazette Notification No.S.O. 606 (E) Dated 1-8-1990 Govt of India, Extraordinary Part-II.

- (e) The submission of MCD that as per Master Plan 2001 the land use was residential and as such they were within their right to sanction the building plan for construction of Apartments is not correct. The MCD/ Town Planner of MCD should have been more vigilant and should have referred to the approved Zonal Plan which is still in vogue and the land use was not changed and as such the sanction of the plan for construction of houses is incorrect.

the Committee is of the opinion that the building plans of Chavan Rishi Apartments have not been sanctioned as per building bye laws applicable.

11. To inquire into whether there has been connivance between the builder/owners of land and officers of various agencies :

- (a) As already stated in the Report while discussing the status of the land and the sanction of building plans it is evident that the officers of various agencies have connived at one stage or the other with the heirs of Shri Rati Ram and others while sanctioning mutation, while issuing Exemption Certificate to St. Jesus Educational Society without verifying the ownership of the land of the Society and subsequent issue of N.O.C to the persons/owners of Chavan Rishi Apartments. Even the building plans have been sanctioned on the land earmarked for primary school.
- (b) Shri R.S. Yadav, the then Deputy Director (MP), DDA was representative in the Lay Out Scrutiny Committee of the MCD. He did not raise any objection about the land use or ownership of the land. The silence of Shri R.S. Yadav cannot be but for some connivance. He was expected to be well conversant with the land use and the status of the land. The Town Planner, MCD, was certainly wrong when he stated that the land use is residential whereas as per the Government of India and the DDA the land use even as per MPD 2001 remains for primary school. However, the other officers of the DDA like Commissioner (Land) Shri U.S. Jolly have taken very keen interest in retrieving the



land and have even filed a suit in the High Court against the Builders.

(c) Sanction of mutation in the name of dead persons is highly improper, if not illegal, with the entire process of sanctioning all mutations in one day i.e. 28-7-1989, first in the name of a dead person i.e. Rati Ram, then in the name of his legal heirs Smt. Ram Pyari and Shri Kamal Singh and subsequently in the names of so many persons who purchased the land from the legal heirs of Rati Ram without giving proper notice to the actual owners of the land i.e. Notified Area Committee and its successor in interest. It surely throws doubt on the integrity of the officers who carried out this work and the Committee recommends that it was with connivance with the persons in whose name mutation was carried out in one day.

(d) The then Sub Registrar seems to have connived in facilitating the entry of a forged Sale Deed which was purported to have been executed by the Notified Area Committee. The Sub Registrar has committed criminal offence by tampering, falsifying and interpolation of official records in collusion with the persons i.e. heirs of Rati Ram and the subsequent purchasers in the year 1989.

12. To probe into various aspects of coming into Chavan Rishi Apartments;

(a) At present structures of 56 Apartments have been constructed at Model Town known as Chavan Rishi Apartments. Most of the flats are semi finished as interior plaster has been done and in one block marble floors have been laid upto fifth floor. The builder has also given names of the persons who have purchased/booked flats in these Apartments. The list is also annexed as **Annexure-IV**.

(b) The Status Report about the construction was also submitted by MCD on the directions of the Committee. The same is also annexed as **Annexure-V**.

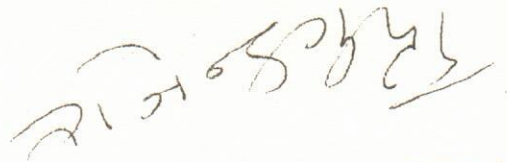
(c) Shri D.D. Mittal and his Advocate who appeared before the Committee submitted that they are bonafide purchasers of land and have verified the title from revenue records and other documents given to him on the basis of Sale Deed executed between the Sellers and who had purchased the land in 1989 and different persons who purchased land in 1995.

13. The Committee recommends to the Government that suitable action be taken on each count in a time bound manner.

14. The Committee also recommends that as the land was never sold by the then Notified Area Committee to Shri Rati Ram, it remains in the ownership of the Government. The Government should take over the entire land alongwith the super structures constructed thereon and may suitably utilize it.



15. The Committee places on record its great appreciation for the excellent work and cooperation extended to it by the Secretary, Delhi Vidhan Sabha and other Officers.



( RAJENDRA GUPTA )  
CHAIRMAN

COMMITTEE ON CHAVAN RISHI APARTMENTS

PLACE: DELHI

DATED: 10th September, 1998

In the Court of Shri S.R.Goel, Additional District  
Delhi.

R.C.A.No. 70-A of 1974.

Smt.Ram Pyari etc Vs. Union of India.

JUDGMENT:

This appeal by Smt. Ram Pyari, Kanwal Singh and Smt. Krishana, the legal representatives of Ratti Ram deceased plaintiff is against a judgment and decree dated 30.7.1970 passed by Shri Harkrishan Malik, the then Sub Judge 1st Class, Delhi whereby he dismissed the suit of plaintiffs/appellants for a permanent injunction restrain the Union of India from dispossessing them from the suit land, force i.e. otherwise than in due course of law.

2. The facts giving rise to this suit briefly stated are that Ratti Ram, the predecessor-in-interest of the appellants had been cultivating this land for a number of years and had been shown as gair mauzusi tenant under the Notified areas Committee in the revenue record but inspired of that the Union of India through Land and Development Officer, Mathura Road, New Delhi threatened to evict him by force and, therefore ratti ram instituted a suit, out of which this appeal has arisen, for the permanent injunction as stated above.

3. The Union of India in the written statement filed



pleaded that the suit was barred under the provisions of the Public Premises (Eviction of Unauthorised Occupants) Act, 1956. It is also pleaded that the plaintiff had filed a suit and that was dismissed. Therefore, the time was barred by the principles of res judicata. It was pleaded by the Union of India that the suit Land was transferred to the administrative control of the Land and Development Officer, New Delhi and this land was previously occupied by Baldev Raj who had given it to the plaintiff for cultivation and the proceedings under the Public Premises (Eviction of Unauthorised Occupants) Act, 1959 were started against Baldev Raj and Baldev Raj fearing his eviction handed over the possession of the Land to Ratti Ram. It was also pleaded that Ratti Ram was removed from the site on 14.10.65 and he again illegally entered in possession of the land after that. It was pleaded that he was not a tenant but was a unauthorised occupant.

4. The suit of the plaintiff was tried on the following issues:-

- (1) Whether the suit is barred under the provisions of the Public Premises (Eviction of Unauthorised Occupants) Act?
- (2) Whether the suit against defendant No.2 is maintainable?
- (3) Whether the plaintiff is in possession of the land in suit? If so to what effect?
- (4) Whether the threatened action of the defendant regarding eviction of the plaintiff from the land in suit is illegal (if allowed)

(5) Relief.  
5. The Learned Sub Judge decided issue No.1 against the

plaintiff holding that the suit of the plaintiff against defendant No.2 i.e. Land and Development Officer by virtue of his office alone was not maintainable. he decided issue No.3 in favour of the plaintiff holding that the plaintiff has been in possession of the suit land. issue No.1 was decided by the learned Sub Judge in favour of the defendant and against the plaintiff and so was the decision on issue No.4 and as a result of the decision on these issues the suit of the plaintiff was dismissed with costs.

6. Feeling aggrieved, the plaintiffs have come to this court in appeal.

7. I have heard Shri D.B.Malhotra, the learned counsel for the appellants and Shri Prahlad Dayal, the learned counsel for the Union of India. the finding of the learned Sub Judge on issue No.3 which is to the effect that the appellants are in possession of the suit land has not been contested before me by the learned counsel for the Union of India. Similarly, the learned counsel for the appellants has not assailed before me the findings of the learned Sub Judge on issue No.2 which is to the effect that the suit against the Land and Development Officer is not maintainable. Therefore, the findings of the learned Sub Judge on these issues are hereby affirmed.

8. Learned Counsel for the appellant assails before me the



findings of the learned Sub Judge on Issue No.1, as well as on Issue No.4. He contends that no action under the provisions of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 was taken against Ratti Ram or the present appellants who are his successors in interest and, therefore, no provision in the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 can bar the present suit. He has also contended that the Public Premises (Eviction of Unauthorised Occupants) Act 1958 was declared ultra vires by the Hon'ble Delhi High Court as well as by Hon'ble Supreme Court and so any provision in an act which has been declared to be ultra vires of the Constitution by the Highest court of the land can bar the trial of this suit. So far as the first contention of the learned counsel for the appellants is concerned it is not taken under the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 against Ratti Ram, the predecessor-in-interest of the present appellants or against the appellants. He contends that the action was taken against Baldev Raj and fearing that he would be evicted he handed over the possession of this land to Ratti Ram and so Ratti Ram got this land through Baldev Raj and so the provisions of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 would apply and so it would be deemed that an action is taken against Ratti Ram and his successors in interest also under the provisions of Public Premises (Eviction of Unauthorised Occupants) Act, 1958. This contention of the learned Counsel for the respondent cannot be accepted. The provisions of Public Premises (Eviction of Unauthorised Occupants) Act

would exclude the jurisdiction civil court the trial of a suit by a person if action is taken against that person or against his predecessor-in-interest and not when action against the Public Premises (Eviction of Unauthorised Occupants) Act is taken against some third person with whom the plaintiff had no connection. The plaintiff in this case alleges that he is a tenant and that too under the Notified Area Committee. the learned Sub Judge has given a finding that he is an unauthorised occupant. so whatever may be the position it cannot be, said that Rati Ram came in possession of the land by driving his title from Baldev Raj. Therefore, the suit of the plaintiff is not barred under any provision of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958.

9. Moreover, section 7(2) of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 under which action was taken against Baldev Raj was struck down as unconstitutional by the Hon'ble supreme court in A.I.R. 1965 Supreme Court page 1096 as this Act was also struck down as unconstitutional by the Supreme Court in A.I.R. 1967 Supreme Court page 130. Therefore, an Act which has been struck down as unconstitutional cannot oust the jurisdiction of the civil court to try a suit of the plaintiff. Therefore, I hold that the suit of the plaintiff is not barred by the provisions of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 and the findings of the learned Sub Judge on issue No.1 is wrong and is consequently set aside.



10. Now the question to be seen is whether Ratti Ram was in occupation of this land as a tenant as in the land of the plaintiff or he was an unauthorised occupant a case of the defendant. The learned sub Judge has given a finding that the plaintiff i.e. Ratti Ram was an unlawful occupant of the land. After hearing the learned counsel for the appellants and going through the copies of the khasra girdhari place by him on record I also agree with this finding of the learned Sub Judge that Ratti Ram was an unlawful occupant of this land and so the appellants could not derive their title through Ratti Ram and also the illegal occupants. The learned counsel for the appellants has drawn my attention to the copies of Khasra girdhari which are Ext.P6 to Ext.P9. The entries in the Khasra girdhari are that Ratti Ram was occupying this as a gair maurasi tenant of the Notified Area Committee in the year of 1963. These Khasra girdhari also state that on the year 1961 and prior to that Baldev Raj was occupying this land. Baldev Raj, according to the learned counsel for the respondent was unauthorised occupant and he had been evicted from the suit land. Therefore, this Ratti Ram came in possession of the land in the year 1962 or 1963. In order to prove that he was a tenant under the Notified Area Committee it was necessary for him to prove that he took this land on lease from some authorised official of the Notified Area Committee and that too by the execution of a document because Nobody on behalf of a Notified Area Committee could give him this land orally on lease. No such document has been produced by the plaintiff nor any person for the Notified Area Committee.



tee has been examined by him. Therefore, it is to be held in the absence of important evidence that Ratti Ram entered in possession of the land after Baldev Raj had vacated the same and he entered in its possession illegally and not as a tenant of the Notified Area Committee. No reliance can be placed on these entries in the khasra girdwari showing him a tenant for the year 1963 because khasra girdwari are not a part of record of rights and no presumption of truth attached to entries in khasra girdwari. As already discussed, those entries in the khasra girdwari might have been got made by Ratti Ram in collusion with the Fatwari and similarly he might have got the lean receipt Ext. P1 to Ext. P5 from the lamerdar and it is now settled by the Hon'ble Supreme Court that the payment of rent/damages does not confer on a person and status of a tenant. Therefore, it is held that Ratti Ram an unauthorised occupant of the premises and so are the present appellants. The finding of the learned Sub Judge on this issue therefore hereby affirmed.

11. Now the question arises whether the present appellants, although they are unauthorised occupants, can be evicted by force by the Union of India. The Hon'ble Delhi High Court in Baldev Raj Vs D.D.A reported in 1977 D.L.R. page 4 held that even an unauthorised occupant has got the protection of law and he is to be dispossessed in due course of law. Same is the ratio of the case Mahan Lal & Others Vs. State of Punjab decided by Hon'ble Mr. Justice K.S. Hegde of the Supreme court.



and reported in 1970 R.C.J page 95. Therefore even though the appellants are unauthorised occupants they entitled to the protection of law and cannot be evicted otherwise than in due course of law i.e. the Union Of India can evict them under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 and not by throwing them out of the land by force.

12. Learned Counsel for the appellants also pointed out to me that Ratti Ram, the plaintiff, in this case died on 25.12.69 when his suit was before the learned Sub Judge and the present appellants applied for impleading them as legal representatives on 12.1.70 but the learned Sub Judge passed the decree on 30.4.70 without passing an order on the application of the appellants and, therefore, the decree passed was against a dead person and so a nullity. I do not find an force in this contention of the learned counsel for the appellants. It has not be contested before me by Shri Prehlad Dayal, the learned counsel for the Union of India, that the present appellants are the legal representatives of Ratti Ram. The present appellants had applied within the statutory period of impleading them as legal representatives. If the learned Sub Judge did not pass the proper order on this application it was rare irregularity and it does not mean that the court proceedings before him became null and void particularly when an application had been made against the legal representatives of the deceased. The decree dated 30.4.71 in the circumstances of the case shall be deemed to have been passed against the present appellants. Otherwise if

the argument of the learned counsel for the appellant is accepted it goes against him because if the decree was null and void why did he file an appeal against that decree. Therefore, I cure this irregularity and order that the names of the legal representatives of the deceased Ratti Ram be substituted on the record of the trial case for Ratti Ram deceased.

13. No other point has been urged before me by the learned counsel for the parties.

14. For the reasons given above, I accept this appeal and grant a permanent injunction to the appellants restraining the Union of India from dispossessing the appellants from the suit land otherwise than in due course of law i.e. if the Union of India wants to evict them they should be evicted in accordance with the provisions of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971. The parties in view of the peculiar circumstances of the case be left to bear their own costs in this appeal as well as in the suit.

SD/-

(S.R. Goel) 27.8.74  
Additional District Judge, Delhi.



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No.K-13011/28/97-DDIB  
GOVERNMENT OF INDIA  
MINISTRY OF URBAN AFFAIRS & EMPLOYMENT  
DEPARTMENT OF URBAN DEVELOPMENT  
(DELHI DIVISION)

...

New Delhi, dated the 15th May, 1998

To

✓  
Shri P.C. Aggarwal,  
Deputy Secretary(Admr.),  
Legislative Assembly, Sectt.,  
Old Secretariat, Delhi-110054.

Sub: Charge of land use in respect of the plot of  
land where apartments called Chavar; Rishi Apartments  
in the Model Town Area of Delhi.

...

Sir,

I am directed to refer to your letter No.19(39)/97-LAS/11783 dated 24th Dec. 97 on the above cited subject and to say that the DDA has reported that as per MPD 2001 the site under reference falls in residential use Zone. The land use of site as per the Zonal Development Plan is Primary School. As per records of DDA, the land use of the site has not been changed.

Yours faithfully

L.L. Gupta

(K.K.GUPTA)

UNDER SECRETARY (DD)



CAHVAN RISHI APARTMENTS, MALL ROAD

NEAR ALPANA CINEMA, MODEL TOWN -I DELHI

SR.NO.	NAME OF PARTY/PERSON	ADDRESS	AMOUNT RECEIVED
1.	Prashant Aggarwal	1945, Out Ram Line Kingsway Camp, Delhi 110009.	13,00,000
2.	Ravi Aggarwal	39, Anand Vihar Pitam Pura, New Delhi.	7,00,000
3.	Shard Jain	2737, Chhatta Pratap Singh, Kinari Bazar, Chandni Chauk, Delhi 110006.	3,40,000
4.	Mrs. Usha Dheeran	142, Akbar Pur Mazra Delhi -1100 36	2,20,000
5.	Jetha Nand Nagdev	A-9, Swasthya Vihar, New Delhi 110092	5,71,000
6.	D.K Nagdev	A-9, Swasthya Vihar, New Delhi 110092	5,71,000
7.	Shri Krishan Gupta & Company	C-74, Mahendru Enclave, G.T. Karnal Road, Delhi.	4,00,000
8.	Mangat Ram Rajinder Prasad	138, Ist Floor, Pul Mithai, Teliwara, Delhi 110006.	1,75,000 1,25,000
9.	Arun Gupta	C-74, Mahendru Enclave, G.T. Karnal Road, Delhi.	4,00,000
10.	Anil Ahuja	B-59, Shakti Apartments Rohini, Sec-9, Delhi.	1,00,000
11.	Gopal Dass Ahuja	B-59, Shakti Apartme Rohini, Sec-9 Delhi	10,00,000
12.	Deepak Kumar Jain.	C/O Radha Fancy Store, 67, Chandni Chauk, Delhi.	4,50,000

13. Ajit Gupta	A-20, Panchvati, G.T. Road, Delhi.	5,00,000
14. Miss. Sonam Bansal	24, Sri Ram Road, Civil Lines, Delhi 110054.	1,20,000
15. Mrs. Seema Bansal	24, Sri Ram Road, Civil Lines, Delhi.	50,000
16. Haryana Paneer Bhandaar	2305, Gali Hinga Ber, Tilak Bazar, Delhi 110006.	1,00,000
17. Rajinder Goel	----Do----	80,000
18. Jagmohan Goel	----Do -----	80,000
19. Raj kumari Bansal	Banglow Road, Kamla Nagar, Delhi.	80,000
20. Jagdish Goel	2305, Gali Hinga Ber Tilak Bazar, Delhi	1,00,000
21. Charan Dass Bhatia	Block No.1 Ground Floor Rishi Apartment Civil Line Delhi	6,00,000
22. Geeta Jain	8/13 A Sriram Road Civil Line Delhi	4,00,000
23. Rippan Jain	--- Do -----	4,00,000
24. Manish Jain	-----Do-----	4,00,000
25. Swaraj Rani Jain	-----Do-----	4,00,000
26. J.P Jain	Bangloew Road, Kamala Nagar Delhi	13,75,000
27. N.P Jain	Bangloew Road, Kamala Nagar Delhi	13,75,000
28. Rajinder P. Jain Liela Jain	Banglow Road, Kamala Nagar, Delhi	13,75,000
29. Ravinder P. Jain Rajeev Jain	Banglow Road Kamla Nagar, Delhi	13,75,000
30. Shyama Jain	5520 Katra Moti Nai Sadak Delhi	1,00,000
31. Gopal Dass Estate	Dr. Gopal Dass Bhawan	11,00,000

*[Handwritten signature]*

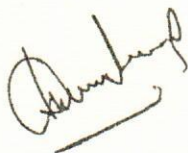


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32. Gopal Dass Estate Housing P Ltd	Dr. Gopal Dass Bhawan 28, Barakhamba Road New Delhi	11,00,000
33. Gopal Dass Estate Housing P Ltd	Dr. Gopal Dass Bhawan 28, Barakhamba Road New Delhi	11,00,000
34. Gopal Dass Estate Housing P Ltd	Dr. Gopal Dass Bhawan 28, Barakhamba Road New Delhi	11,00,000
35. Gopal Dass Estate Housing P Ltd	Dr. Gopal Dass Bhawan 28, Barakhamba Road New Delhi	8,75,000
36. Hoover service P Ltd	Dr. Gopal Dass Bhawan 28, Barakhamba Road New Delhi	8,00,000
37. R.D Verma & Company	Dr. Gopal Dass Bhawan 28, Barakhamba Road New Delhi	7,50,000
38. R.D Verma & Company	Dr. Gopal Dass Bhawan 28, Barakhamba Road New Delhi	7,50,000
39. Gujral Estate	Dr. Gopal Dass Bhawan 28, Barakhamba Road New- Delhi	5,00,000
40. Ardee Infrastructure (P) Ltd	Dr. Gopal Dass Bhawan 28, Barakhamba Road New- Delhi	10,50,000
41. Ardee Infrastructure (P) Ltd	Dr. Gopal Dass Bhawan 28, Barakhamba Road New- Delhi	10,50,000
42. 41. Ardee Infrastructure (P) Ltd	Dr. Gopal Dass Bhawan 28, Barakhamba Road New- Delhi	11,50,000

Total

2,65,87,000



Municipal Corporation of Delhi  
Building Department: C.L. Zone

Sub: Construction of Chavan Rishi Apartments in Model Town, Delhi

Please refer to the following status report of the subject property asked by the Sub-Committee of Delhi Legislative Assembly, with respect to their inspection dated 9.6.1998:

This property consists of four blocks, where

Ist block is constructed from basement to IVth floor.

IIInd block is constructed from basement to IIIrd floor.

IIIrd block is constructed from GF to VIIth floor.

IVth block is constructed from GF to VIIth floor.

Ist block : (Front right)

S.N.	Floor	Flooring	G.I.pipes Fittings in kitchen	Plaster	Door Chaukhat (Nos.)	Window Chaukhats (Nos.)
1.	Basement (Note : Only pillars exist)	x	x	x	x	x
2.	G.F. ( Only parking)	x	x	x	x	x
3.	F.F.	x	Partly	x	21	15
4.	S.F.	x	x	x	21	12
5.	T.F.	x	x	x	19	3
6.	IVth F. (Only pillars exist)	x	x	x	x	x

IIInd block: (Front left)

1.	Basement (Note:- Only pillars exist)	x	x	x	x	x
2.	G.F. ( Only parking)	x	x	x	x	x
3.	F.F.	x	Partly	Maximum	22	30
4.	S.F.	x	Partly	Maximum	19	20
5.	T.F. (Note: Only pillars and roof exist)	x	x	x	x	x

IIIrd block: (Rear left)

1.	G.F. (Only parking)	x	x	x	x	x
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S.No.	Floor	Flooring	G.I. pipe fittings in kitchen	Plaster	Door Chalkhat (Nos.)	Window Chalkhat (Nos.)
3.	S.F.	Maximum	Partly	Maximum	20	48
4.	T.F.	Maximum	Partly	Maximum	30	44
5.	IVth F.	Maximum	Partly	Maximum	33	43
6.	Vth F.	Maximum	Partly	Maximum	31	37
7.	Vith F.	x	x	Partly	30	38
8.	VIIth F.	x	x	x	12	9

IVth block : (Rear right)

1.	G.F.	x	x	x	x	x
	(Only parking)					
2.	F.F.	x	Partly	Minimum	31	31
3.	G.F.	x	Partly	Minimum	32	37
	(Door - 1 No.)					
4.	T.F.	x	x	Maximum	34	30
5.	IVth F.	x	Partly	Maximum	34	40
6.	Vth F.	x	Partly	Maximum	34	29
7.	Vith F.	x	x	Maximum	33	18
8.	VIIth F.	x	x	x	x	x

(Note:- Only pillars & partly roof exist)

In addition to this there is no fittings in bath, I.C.

Submitted please.

*R. D. V.*  
22/6/80

*Kishan*  
(Kishan Devnani)  
Jr. Engineer (Bldg.) / CL2

Zonal Engineer (Bldg.) / C.L. Zone

Executive Engineer (Bldg.) / C.L. Zone

Superintending Engineer / C.L. Zone

*R. D. V.*  
22/6/88  
*S. D. V.*  
22/6