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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: 24.08.2026

\# **CNR No. DLHC010287352025**

\+ W.P.(C) 6231/2025

SANMATI SABHA (REGD.) ....Petitioner

Through: Mr. Amit Pushya, Adv.

versus

DELHI DEVELOPMENT AUTHORITY & ORS. .....Respondents

Through: Mr. Vaibhav Agnihotri, ASC , Ms. Vagmi Singh Adv., Mr. Vidit Pratap Singh Adv. Mr. Pawan Dubey, Adv

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

: JASMEET SINGH, J (*ORAL*)

W.P.(C) 6231/2025

1. This is a writ petition filed under Article 226 of the Constitution of India seeking the following prayers:-

> *"A. Issue an appropriate writ, order, or direction quashing the Minutes of Meeting dated 31.12.2021 held on 27.12.2021 passed by Respondent No. 1.*
>
> *B. Issue an appropriate writ, order, or direction directing Respondent No. 1 to allot the Plot measuring approximately 926 sq. meters, situated in A-Block, Priyadarshini Vihar, Laxmi Nagar, Delhi- 110092, in favour of the Petitioner.*
>
> *C. Issue an appropriate writ, order, or direction directing Respondent No. 1 to regularise the structure of the Laxmi Narayan Temple and Satsang Bhawan built on the said Plot.*

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…”

2. The facts are that the respondent No. 1 executed a perpetual lease deed in favour of the respondent No. 3, *i.e.*, the American Embassy Employees Co-Operative Housing Society, for developing Priyadarshini Vihar. Two blocks in Block A and Block B, were earmarked for nursery schools.

3. Subsequently, the respondent No. 3 sought allotment of land in Block A, earmarked for a nursery school, for construction of a temple.

4. On 09.06.1987, the respondent No. 1 asked the respondent No. 3 to constitute a separate religious society and apply for allotment, which the petitioner society so did on 21.01.1988.

5. Subsequently, on 17.06.1992, the respondent No. 3 again requested the respondent No. 1 to change the land use from nursery school to temple/ play ground.

6. The petitioner society, in 1991-92, illegally constructed a temple without any change of land use or sanction by the respondent No.1. Meanwhile, the respondent No. 2 also filed a writ petition seeking removal of encroachments in Priyadarshini Vihar.

7. Mr. Pushya, learned counsel for the petitioner, states that the respondent No. 1, in compliance of the Order dated 16.02.2016, issued an order dated 15.03.2016, duly approving the allotment of the entire plot in question for construction of a temple and Satsang Bhavan.

8. However, on 18.12.2017, the Division Bench of this Hon’ble Court in LPA 518/2016 directed respondent No. 1 to reconsider the matter of allotment afresh. In essence, the Order dated 16.02.2016 was impliedly set

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aside.

9. The petitioner challenges the Minutes of the Meeting which read as under:-

"

DELHI DEVELOPMENT AUTHORITY

INSTITUTIONAL LAND BRANCH

A-216, 2nd Floor, Vikas Sadan, INA, New Delhi-110023

F. 8(10)87/IL/Pt./DDA/2552 ***Dated: 31/12/2021***

Minutes of Meeting

A meeting regarding unauthorized occupation of the Nursery site by American Embassy Indian Employees Co-op Housing Society Ltd. Priyadarshini Vihar, Delhi-92 was held on ***27.12.2021 (Tuesday) at 12:30 PM*** *in the chairmanship of Worthy Vice-Chairman, DDA.*

Following officers/officials were present in the meeting :-

1. *Ld. CLA, DDA;*
2. *Commissioner (LD)-II, DDA;*
3. *Director (IL), DDA;*
4. *Addl. Commissioner (Plg.), DDA;*
5. *Dy. Dir. (IL), DDA*

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Issues related to unauthorized occupation of the Nursery site by American Embassy Indian Employees Co-op Housing Society Ltd. Priyadarshini Vihar, Delhi-92, in the light of the order of Hon'ble High court dated 18.12.2017 in ***LPA No. 518/2016*** *titled* ***Sanmati Sabha V/s J.K. Mittal & Ors.***

After detailed deliberation, following decisions were taken:-

- *It was concluded that the previous approval of the Authority in the meeting held on 11.03.2016 shall be null and void as the Hon'ble High court in order dated 18.12.2017 had directed that "In these circumstances we feel that the matter of allotment must be re-examined and considered afresh by the 'Authority' under the Delhi Development Act. The said consideration would be without being influenced by the earlier resolution dated 11th March 2016. Fresh consideration would be without taking into consideration the orders dated 12th & 16th Feb, 2016 which stand recalled. The decision would by on merit and as per law."*
- *The matter was examined under the light of the directions of the Hon'ble court and the current applicable policies and Nazul Rules, 1981 and the recent Gazette Notification dated 11.03.2021, it was decided that as the disposal of the Nazul land for Socio-Cultural-Religious categories is to be done through auction, therefore the request of the society for*

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Regularization of the Unauthorized occupation can not be considered and Authority is not competent to take decision on Regularization of land.

- *The above mentioned decision may be apprised to the Hon'ble Court through Panel Lawyer engage in the aforesaid case.*

The Meeting ended with vote of thanks to the Chair.

The above issued with the approval of Competent Authority.

(Harish Chand Sharma)
Dy. Director (IL)

Copy to:-

All concerned

Copy for information to: -

1. *OSD to VC, DDA*
2. *PS to Ld. CLA, DDA*
3. *PS to Commr. (LD)-II, DDA*
4. *PS to Director (IL), DDA*
5. *PS to Addl. Commissioner (Plg.), DDA*

Dy. Director (IL)"

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10. The gazette notification relied upon in the Minutes of the Meeting read as under:-

भारत का राजपत्र
The Gazette of India

सी.जी.-डी.एल.-अ.-11032021-225819
CG-DL-E-11032021-225819

असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 127] नई दिल्ली, बृहस्पतिवार, मार्च 11, 2021/फाल्गुन 20, 1942
No. 127] NEW DELHI, THURSDAY, MARCH 11, 2021/PHALGUNA 20, 1942

आवासन और शहरी कार्य मंत्रालय

अधिसूचना

नई दिल्ली, 11 मार्च, 2021

सा.का.नि. 168(अ).—केन्द्रीय सरकार, दिल्ली विकास अधिनियम, 1957 (1957 का 61) की धारा 22 की उपधारा (3) के साथ पठित धारा 56 की उपधारा (2) के खंड (अ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, प्राधिकरण के साथ परामर्श करने के पश्चात् दिल्ली विकास प्राधिकरण (विकसित नजूल भूमि का व्ययन) नियम, 1981 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात्:-

1. (1) इन नियमों का संक्षिप्त नाम दिल्ली विकास प्राधिकरण (विकसित नजूल भूमि का व्ययन) संशोधन नियम, 2021 है ।

(2) ये राजपत्र में उनके प्रकाशन की तारीख को प्रवृत्त होंगे ।

2. दिल्ली विकास प्राधिकरण (विकसित नजूल भूमि का व्ययन) नियम, 1981 (जिसे इसमें इसके पश्चात् उक्त नियम कहा गया है) के नियम 4 के उपनियम (2) के स्थान पर निम्नलिखित उपनियम रखा जाएगा, अर्थात्:-

"(2) प्राधिकरण, इन नियमों के उपबंधों के अध्यधीन रहते हुए योजना के अनुपालन में निम्नलिखित उपयोगों के लिए नजूल भूमि का नीलामी द्वारा निपटान करेगा, अर्थात्:-

(i) स्वास्थ्य सुविधाएं;

(ii) शैक्षिक और उच्चतर शैक्षिक सुविधाएं;

(iii) सामाजिक-सांस्कृतिक और सामुदायिक सुविधाएं;

1547 GI/2021

(iv) शेष कुल सुविधाएं:

परंतु इस धारा की कोई बात केन्द्रीय सरकार, राज्य सरकार, संघ राज्यक्षेत्र प्रशासन, किसी स्थानीय निकाय, केन्द्रीय सरकार के स्वामित्वाधीन स्वायत्त निकायों या संगठनों को भूमि के आबंटन को प्रभावित नहीं करेगी:

परंतु यह और कि इस उपधारा के अधीन आबंटित भूमि, आबंटन में विनिर्दिष्ट उपयोग के अनुसार और उक्त उपयोग के लिए महायोजना के संनियमों के अनुसार उपयोग में की जाएगी ।"।

3. उक्त नियमों के नियम 5 के स्थान पर निम्नलिखित नियम रखा जाएगा, अर्थात्:-

"5. कतिपय संस्थाओं को नजूल भूमि के आबंटन के लिए प्रीमियम के नियम .—

नियम 4 के उपनियम (2) के उपबंधों के अध्यधीन रहते हुए प्राधिकारी नजूल भूमि का आबंटन –

(क) केन्द्रीय सरकार, राज्य सरकार, संघ राज्यक्षेत्र प्रशासन;

(ख) केन्द्रीय सरकार, राज्य सरकार, संघ राज्यक्षेत्र प्रशासन द्वारा या भागत: केन्द्रीय सरकार द्वारा और भागत: एक या अधिक राज्य सरकारों या संघ राज्यक्षेत्र प्रशासनों द्वारा गठित स्वायत्त निकाय;

(ग) नियम 20 के अधीन पात्र सामाजिक या पूर्त संस्थाएं;

(घ) भारत निर्वाचन आयोग द्वारा मान्यताप्राप्त राजनैतिक संगठन; या

(ङ) लाभदायक, अर्द्ध-लाभदायक या अलाभदायक प्रयोजनों के लिए स्थानीय निकायों,

को प्रीमियम और भू-किराया पर ऐसी दरों पर जो केन्द्रीय सरकार द्वारा समय समय पर अवधारित की जाएं कर सकेगी:

परंतु इस नियम के अधीन आबंटित भूमि का उपयोग महायोजना संनियमों द्वारा और ऐसी शर्तों के अध्यधीन रहते हुए जिनके अधीन आबंटन किया गया है, शासित होगा ।"।

4. उक्त नियमों के नियम 6 के खंड (vi) का लोप किया जाएगा ।

5. उक्त नियमों के नियम 7 का लोप किया जाएगा ।

6. उक्त नियमों के नियम 8 के स्थान पर निम्नलिखित नियम रखा जाएगा, अर्थात्:-

"8. नियम 4 के उपनियम (2), नियम 5, नियम 6 में अन्यथा उपबंधित के सिवाय किसी अन्य प्रयोजन के लिए नजूल भूमि का आबंटन ऐसे प्रीमियम के संदाय पर किया जाएगा जो इन नियमों के यथास्थिति अध्याय 3 या अध्याय 4 के उपबंधों के अनुसार या तो नीलामी द्वारा या निविदान द्वारा अवधारित किया जाएगा ।"।

7. उक्त नियमों के नियम 20 में,-

(I) पार्श्वशीर्ष के स्थान पर निम्नलिखित रखा जाएगा, अर्थात्:-

"सामाजिक या पूर्त संस्थाओं को आबंटन के लिए पात्रता.-";

(II) खंड (क) के स्थान पर निम्नलिखित खंड रखा जाएगा, अर्थात्:-

"(क) उस संस्थान के लक्ष्यों और उद्देश्यों के अनुसार-

(I) यह भारत के नागरिकों के हितों का प्रत्यक्ष रूप से साधन करेगा;

(II) यह दिल्ली, राष्ट्रीय राजधानी क्षेत्र के योजनाबद्ध विकास के लिए व्यापक रूप से संवाही होगा;

(III) यह उस संस्थान द्वारा निष्पादित किए जाने वाले कार्य की प्रकृति से स्पष्ट है कि यह राष्ट्रीय राजधानी क्षेत्र से अन्यत्र कहीं और समान दक्षता के साथ निष्पादित नहीं किया जा सकेगा;

(III) खंड (ख) में "अस्पतालों, डिस्पैंसरियों या उच्चतर/तकनीकी शैक्षिक संस्थानों की स्थापना के प्रयोजन" शब्दों के पश्चात् "या ऐसे अन्य पूर्त प्रयोजन जो केन्द्रीय सरकार द्वारा उचित समझा जाए और इस संबंध में आदेश द्वारा अधिसूचित किया जाए" शब्द अंत:स्थापित किए जाएंगे ।

8. उक्त नियमों के नियम 21 का लोप किया जाएगा ।

9. उक्त नियमों के नियम 28 के उपनियम (2) के पश्चात् निम्नलिखित उपनियम अंत:स्थापित किया जाएगा, अर्थात्:-

"(3) उपधारा (1) या उपधारा (2) में किसी बात के होते हुए भी प्राधिकरण सुस्पष्ट इलैक्ट्रानिक रीति द्वारा उस प्रयोजन के लिए प्राधिकरण द्वारा नियुक्त किसी अभिकरण के माध्यम से नीलामी का संचालन कर सकेगा ।"।

[फा.सं. के. 20013/11/2019-डीडीवी(भाग)]

कामरान रिजवी, अपर सचिव

टिप्पण: मूल नियम भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (i) में सा.का.नि. सं. 872, तारीख 26 सितंबर, 1981 द्वारा प्रकाशित किए गए थे और सा.का.नि. सं. 590(अ), तारीख 19 अगस्त, 2009 द्वारा अंतिम संशोधन किया गया ।

MINISTRY OF HOUSING AND URBAN AFFAIRS

NOTIFICATION

New Delhi, the 11th March, 2021

G.S.R. 168(E).—In exercise of the powers conferred by clause (j) of sub-section (2) of section 56, read with sub-section (3) of section 22 of the Delhi Development Act, 1957 (61 of 1957), the Central Government, after consultation with the Authority, hereby makes the following rules further to amend the Delhi Development Authority (Disposal of Developed Nazul Land) Rules, 1981, namely:-

1. (1) These rules may be called the Delhi Development Authority (Disposal of Developed Nazul Land) Amendment Rules, 2021.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Delhi Development Authority (Disposal of Developed Nazul Land) Rules, 1981(hereinafter referred to as the said rules),in rule 4, for sub-rule (2), the following sub-rule shall be substituted, namely: -

"(2) The Authority shall, in conformity with plans and subject to the provisions of these rules, dispose the nazul land by auction for the following uses, namely:-

(i) health facilities;

(ii) education or higher education facilities;

(iii) socio cultural and community facilities;

(iv) sports facilities:

Provided that nothing in this sub-rule shall affect the allotment of land to the Central Government, a State Government, a Union territory, any local body, autonomous bodies or organisations owned by the Central Government:

Provided further that the land allotted under this sub-rule shall be utilised in accordance with the use specified in the allotment, and as per the norms of the Master Plan for the said use.".

3. In the said rules, for rule 5, the following rule shall be substituted, namely: -

"5. Rules of premium for allotment of nazul land to certain institutions. -Subject to the provision of sub-rule (2) of rule 4, the Authority may allot nazul land to –

(a) Central Government or State Government or Union territory Administration;

(b) autonomous body constituted by Central Government or State Government or Union territory Administration or partly by the Central Government and partly by one or more State Governments or Union territory Administrations;

(c) social or charitable institutions, eligible under rule 20;

(d) political organisations recognised by the Election Commission of India, or

(e) local bodies, for remunerative, semi-remunerative or un-remunerative purposes,

at the premia and ground rent at such rates as the Central Government may determine from time to time:

Provided that use of land allotted under this rule shall be governed by the Master Plan norms, and the conditions subject to which such allotment is made.".

4. In the said rules, in rule 6, clause (vi) shall be omitted.

5. Rule 7 of the said rules shall be omitted.

6. In the said rules, for rule 8, the following rule shall be substituted, namely: -

"8. Save as otherwise provided in sub-rule (2) of rule 4, rules 5, and 6, allotment of nazul land for any other purpose shall be made on payment of such premium as may be determined either by auction or by tender in accordance with the provisions of Chapter III or Chapter IV, as the case may be, of these rules.".

7. In the said rules, in rule 20, -

(I) for the marginal heading, the following shall be substituted, namely: -

"Eligibility for allotment, to social or charitable institutions.-";

(II) for clause (a), the following clause shall be substituted, namely:-

"(a) according to the aims and objects of that institution-

(i) it directly subserves the interests of the citizens of India;

(ii) it is generally conducive to the planned development of the National Capital Territory of Delhi;

(iii) it is apparent from the nature of work to be carried out by that institution, that the same cannot, with equal efficiency, be carried out elsewhere than in the National Capital Territory of Delhi;

III. in clause (b), after the words "the purpose of establishment of hospitals, dispensaries or higher/technical education institutes, the words, "or such other charitable purpose as deemed fit by the Central Government and notified by an order in this regard." shall be inserted.

8. In the said rules, rule 21 shall be omitted.

9. In the said rules, in rule 28, after sub-rule (2), the following sub-rule shall be inserted, namely: -

"(3) Notwithstanding anything contained in sub-rule (1) or sub-rule (2), the Authority may conduct auction by a transparent electronic method through any agency appointed by the Authority for that purpose.".

[F.No. K.20013/11/2019-DDV (Pt)]

KAMRAN RIZVI, Addl. Secy.

Note: The principal rules were published in the Gazette of India, Part-II, Section 3, sub-section (i) vide number G.S.R. 872, dated the 26th September, 1981 and lastly amended vide number G.S.R. 590(E), dated 19th August, 2009.

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11. It is the case of the petitioner that they are covered under Rule 5 of the Disposal of the Nazul Land Rules which permits allotment of land for religious purposes:-

> *"5. Rules of premium for allotment of Nazul land to certain institutions. -Subject to the provision of sub-rule (2) of rule 4, the Authority may allot Nazul land to–*
>
> *(a) Central Government or State Government or Union territory Administration;*
>
> *(b) autonomous body constituted by Central Government or State Government or Union territory Administration or partly by the Central Government and partly by one or more State Governments or Union territory Administration;*
>
> *(c) social or charitable institutions, eligible under rule 20;*
>
> *(d) political organisations recognised by the Election Commission of India, or*
>
> *(e) local bodies, for remunerative, semi-remunerative or un-remunerative purposes,*
>
> *at the premia and ground rent at such rates as the Central Government may determine from time to time:*
>
> *Provided that use of land allotted under this rule shall be governed by the Master Plan norms, and the condition subject to which such allotment is made."*

12. Hence, the temple constructed by the petitioner needs to be regularised, and they are ready and willing to pay the costs.

13. Ms. Takiar, learned standing counsel for the respondent No.1, states that in terms of the gazette notification, the land is no longer being allotted for any purposes. In order to optimize the revenue, the respondent No. 1 has taken a policy decision to auction all the lands for health, education, socio-cultural and sports facilities.

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14. She further states that the petitioner can also participate in the auction and bid for the allotment of land, even for religious purposes.

15. I find no infirmity in the stand of the respondent No.1. They have taken a policy decision to dispose of all the Nazul lands by auction. The purpose behind the same is to optimise revenue and to plan the development of NCT of Delhi.

16. The temple which has been constructed, admittedly, is without sanction and contrary to the disposal of the Nazul lands and hence is clearly an illegal structure. The same cannot be permitted to continue. The land, anyway, has been allotted for the nursery school and that purpose remains. There is no change of this use.

17. Nothing prevents the petitioner from participating in a fresh auction for any other plot for running the temple, which will be decided by respondent No. 1 in terms of their auction rules.

18. Hence the petition needs to be dismissed and is dismissed.

19. It is hereby directed that the idols will be removed from the temple by the petitioner in accordance with all respect and ceremonies, as required and needed, within 4 weeks from today.

JASMEET SINGH, J

AUGUST 24, 2026/AS
(corrected and released on 03.09.2026)

Signed By:SAHAJ PREET KAUR
Signing Date:05.09.2026 15:22