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

*Date of Decision: 24<sup>th</sup> March, 2025*

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**LPA 269/2016 & CM APPL. 48601/2019**

**AIRPORTS AUTHORITY OF INDIA**

.....Appellant

Through: Mr. Ajit Kr. Sinha, Sr. Advocate with  
Mr. Ashwarya Sinha, Mr. Aditya  
Malhotra and Mr. Naveen Soni,  
Advocates (Mob. 8587808613).

versus

**UNION OF INDIA & ORS**

.....Respondents

Through: Mr Shivam Singh and Mr Ishwar  
Singh, Advocates for R-3 (Mob.  
9602425161).

**CORAM:**

**JUSTICE PRATHIBA M. SINGH**

**JUSTICE RAJNEESH KUMAR GUPTA**

**Prathiba M. Singh, J. (Oral)**

1. This hearing has been done through hybrid mode.
2. The present appeal is the result of a legacy dispute between the Airport Authority of India ( hereinafter, 'AAI') and the Union of India ('UOI') in respect of land measuring 2.0524 acres, which was initially allotted to the Directorate General of Civil Aviation (hereinafter, 'DGCA') in 1985.
3. The said land was located in the Vasant Vihar area. The National Airport Authority of India (hereinafter, 'NAAI'), which was the predecessor



of the AAI, was formed in June, 1986 and had paid a consideration of Rs. 16,41,920/- to the Respondent No. 1. The land was taken over by NAAI on 31<sup>st</sup> March, 1987 after payment of the consideration amount. Finally, the possession of the said land was given on 01<sup>st</sup> February, 1990.

4. The said land measuring 2.0524 acres in the Vasant Vihar area was allotted to the AAI for the purpose of construction of 120 dwelling units for officials of the AAI in the form of a residential complex.

5. The said allotment was cancelled by the Respondent No.1 *vide* letter dated 11<sup>th</sup> September, 2002, prior to the commencement of the construction of the said dwelling units.

6. According to the Appellant- AAI, no reason was given for the said cancellation. Thereafter, communication started between the parties for restoration of the said land. It was repeatedly impressed upon the Respondent No. 1 by the Appellant that the accommodation was to be constructed for the Senior Executives. Re-examination of the decision taken by the Respondent No. 1 was sought by the Appellant.

7. Finally, on 26<sup>th</sup> March, 2007, the said request for restoration was not agreed to by the Respondent No. 1.

8. The Appellant then approached the DGCA for revocation of the cancellation order. Even, the Ministry of Civil Aviation's intervention was sought so that the said Ministry could intervene with the assistance of the Ministry of Urban Development and resolve the issue.

9. The Appellant also approached the Committee on Disputes which was formed by the Government on the relevant point for resolution, however, the matter was not resolved.

10. A writ petition being **W.P.(C) 5828/2012** was also filed, which was



withdrawn as recorded *vide* order dated 17th September 2012. Thereafter a second writ petition being **W.P.(C) 6372/2012** was filed which was dismissed by a Id. Single Judge of this Court *vide* the impugned judgment dated 11<sup>th</sup> February, 2016.

11. In the course of this present appeal, several orders have been passed. In the meantime, the portions of the land in Vasant Vihar have been allotted to Respondent Nos. 2, 3 & 4, namely, Samajwadi Party (1 acre), Janta Dal United (half acre) and Mizo Peace Foundation (half acre) respectively. The said Respondents have made their respective constructions on the land allotted to them, which were also opposed by the Appellant, however, their construction has proceeded under the various orders passed by this Court.

12. From time to time, various meetings have also been held between the Appellant and the Ministries *i.e.* Ministry of Civil Aviation and Ministry of Urban Development, in order to try and resolve the issue. Alternate land was also explored for allotment to the Appellant at the following places:

- i) BK Dutt Colony, measuring 1.80 acres
- ii) Jor Bagh measuring 1.97 acres & MB Road, Pushpa Vihar, measuring 0.12 acres.

13. The alternate land was acceptable to the Appellant, however, the Respondent then rescinded from the same.

14. Finally, there has been a complete deadlock between the parties. At present, the position seems to be that there is no alternate land which can be allotted to the Appellant. The Appellant is also given an option to explore the feasibility of purchasing a built up property of the Government instead



of seeking allotment of alternate land. The same is stated in an affidavit signed by the Deputy, Land and Development Officer concerned, Mr. M.K. Gupta dated 12<sup>th</sup> March, 2024. There is, thus, a complete stalemate as of now. The relevant portion of the said affidavit reads as under:

*“9. The answering Respondent respectfully submits that as set out above there is no possibility of allotment of alternative land to the Appellant. In view thereof, the Appellant should explore the feasibility of purchasing built up property instead of seeking allotment of alternative land. This has already been communicated to the Appellant as is apparent vide communication dated 18.07.2023”*

15. Mr. Ajit Kr. Sinha, Id. Senior Counsel for the Appellant submits that the Respondent No. 1 is primarily offering National Buildings Construction Corporation (India) Limited (hereinafter, ‘NBCC’) flats to be purchased by the Appellant, when admittedly, the initial allotment of the Vasant Vihar land was itself *in lieu* of land which was in the possession of the Appellant at Lodhi Road where Mausam Bhawan has currently been built.

16. Id. Senior Counsel further submits that the payment having been made by the Appellant way back in the 1980 itself, the Ministry of Urban Development ought to have extended some time for allowing the Appellant to make construction.

17. On behalf of Respondent Nos. 2, 3 and 4, however, it is submitted that they have already built their respective political party offices and the land in Vasant Vihar has been put to use.

18. The stay application *i.e.* **CM No. 48601** which was originally filed by the Appellant, seeking stay on the construction work during the pendency of



the present appeal, was withdrawn. However, *vide* order dated 29<sup>th</sup> January, 2020, it was observed that any construction made by Respondent No. 2, *i.e.*, Samajwadi Party would be at its own risk and peril. The relevant portion of the said order reads as under:

*“4. It is made clear that any construction activity being undertaken by the respondent No.2 on the subject land situated in Vasant Vihar, **shall be at its own risk and peril.**”*

19. This Court is of the opinion that much water has flown since the cancellation of the allotment of Vasant Vihar land. The political parties having already been allotted land for their party offices and therefore, currently cannot be disturbed as the writ petition filed by the Appellant had already been dismissed.

20. The only issue remains as to the alternate land or alternate accommodation of 120 flats which the Appellant had initially planned to construct in the Vasant Vihar land.

21. In the opinion of this Court, the various communications which are on record would show that, clearly, alternate land was considered for allotment and was almost approved, but the same has thereafter been rescinded from.

22. The AAI being a statutory authority, under Section 13 of the Airport Authority of India Act, 1994, had made the payment for the Vasant Vihar land. A mere delay in construction that too of an autonomous statutory authority could not have *prima facie* resulted in them losing rights over such a land, and the possibility of construction of flats for their employees.

23. Be that as it may, since the original land has already been allotted to the political parties, this Court is of the opinion that the clock cannot be put



back on the same. The allotment in favour of the political parties cannot now be disturbed, and accordingly, the re-allotment of the Vasant Vihar land is not possible in the opinion of this Court.

24. Accordingly, in so far as the said prayer for re-allotment of the Vasant Vihar land is concerned, the same is not acceded to. The political parties shall continue to retain their allotments as per the respective allotment conditions. With these observations, they are deleted from the array of parties.

25. In so far as the allotment of alternate land to the Appellant is concerned, the same is a reasonable and a viable proposition which has been repeatedly considered by the Government but for whatever reason, the same has not been fructified.

26. Accordingly, this Court is of the view that a meeting ought to be held at a high level between the Secretary, Ministry of Urban Development; Secretary, Ministry of Civil Aviation and the Chairman of AAI. The said meeting shall be held in the office of the Secretary, Ministry of Civil Aviation. Let the meeting be held on or before 15<sup>th</sup> April, 2025.

27. If the alternate land is not a feasible proposition then the flats constructed by the NBCC can be considered for allotment, as per AAI's requirement, on payment of discounted charges by the AAI of only the cost of construction, maintenance etc., Such an approach may also resolve this long pending dispute between two Government departments, in the interest of employees of AAI as well.

28. List on 01<sup>st</sup> May, 2025. Let a status report be filed by the UOI.

29. Let the order be communicated to all three authorities *i.e.* Ministry of



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Urban Development, Ministry of Civil Aviation and the AAI, by the Counsel of Union of India and by Mr. Sinha, Id. Senior Counsel for the Appellant.

**PRATHIBA M. SINGH, J**

**RAJNEESH KUMAR GUPTA, J**

**MARCH 24, 2025/MR/ck**