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

Judgment reserved on: 05.09.2022

% Judgment delivered on: 06.10.2022

\+ **LPA 399/2020 & CM APPLs. 34459/2020, 34460/2020, 1233/2021, 11286/2021, 9449/2022, 37173/2022**

MAHARAJA RANJIT SINGH GAEKWAD
(NOW DECEASED) THROUGH LRS

..... Appellant

Through: Mr. Rajiv Talwar, Mr. Prashant Kumar, Mr. Amit Singh, Mr.Anubhav Kumar, Advocates

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr. Anil Soni, CGSC with Mr. Rahul Mourya, Advocate for UoI
Mr. Pramod Gupta, Ms. Poonam Meena and Ms. Himanshi, Advocates for respondent/ Lok Sabha Secretariat.
Mr. Ratan K. Singh, Sr. Advocate with Mr. Rajiv Shankar Dwivedi, Mr.Rajiv Gurang, Mr. Sushant Sarkar, Mr. Rishabh Jain, Mr. Raghav Mudgal, Mr. Aham Saha, Advocates for R-7

+ **LPA 19/2021 & CM APPLs. 1186/2021, 11159/2021**

SRIMANT SANGRAM SINH PRATAP SINH GAEKWAD

..... Appellant

Through: Mr. Ratan K. Singh, Sr. Advocate with Mr. Rajiv Shankar Dwivedi, Mr.Rajiv Gurang, Mr. Sushant Sarkar, Mr. Rishabh Jain, Mr. Raghav Mudgal, Mr. Aham Saha, Advocates

versus

UNION OF INDIA AND ORS. ..... Respondents

Through: Mr. Anil Soni, CGSC with Mr. Rahul Mourya, Advocate for UoI
Mr. Pramod Gupta, Ms. Poonam Meena and Ms. Himanshi, Advocates for respondent/ Lok Sabha Secretariat.
Mr. Rajiv Talwar, Mr. Prashant Kumar, Mr. Amit Singh, Mr.Anubhav Kumar, Advocates for R-6

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

J U D G M E N T

SATISH CHANDRA SHARMA, C.J.

1. The present Letters Patent Appeal is arising out of Judgment dated 14.08.2020 passed by the learned Single Judge in W.P.(C.) No. 5573/2002 titled ***Maharaja Ranjit Singh Gaekwad v. UOI and Ors*** and W.P.(C.) No.

1909/2008, titled ***Srimant Sangram Sinh Pratap Singh Gaekwad v. UOI and Ors***.

2. The facts of the case reveal that the appeals have been preferred by Maharaja Ranjit Singh Gaekwad (now deceased) through his legal representatives who are aggrieved by the Judgment of the learned Single Judge.

3. The undisputed facts reveal that Maharaja Ranjit Singh Gaekwad (hereinafter referred to as 'the Maharaja') was the second son of Late Maharaja Sir Pratap Singh Gaekwad who was the erstwhile ruler of Baroda State. The late Maharaja had signed the Instrument of Merger with the Union of India on 21.03.1949 and, as per the terms of the Covenant, the private properties belonging to Maharaja were to be retained by the Maharaja of Baroda and, other properties, which were not his personal properties, became the exclusive properties of Government of India.

4. The Instrument of Merger, as stated earlier was signed on 21.03.1949, was executed between the Advisor to Government of India and Maharaja of Baroda. It has been reproduced as under:

> *"AGREEMENT MADE this …… day of April, 1949 between the Governor General of India and his highness the Maharaja of Baroda. WHEREAS in the best interest of the State of Baroda as well as of the Dominion of India it is desirable to provide for the administration of the said State by or under the authority of the Dominion Government.*
>
> *IT IS HEREBY AGREED AS FOLLOWS:-*
>
> *ARTICLE I*

His Highness the Maharaja of Baroda hereby cedes to the Dominion Government full and exclusive authority, jurisdiction and powers for and in relation to the governance of the State and agrees to transfer the administration of the State to the Dominion Government on the 1st day of May, 1949 (hereinafter referred to as the said day")

From the said day the Dominion Government will be competent to exercise the said powers, authority and jurisdiction in such manner and through such agency as it may think fit.

ARTICLE II

His Highness shall continue to enjoy the same personal rights, privileges, dignities and titles which he would have enjoyed has this agreement not been made.

ARTICLE III

His Highness the Maharaja shall with effect from the said day be entitled to receive from the revenue of the State annually for his Privy Purse the sum of Rs.26,50,000/-(Rupees twenty six lakhs and fifty thousand only) free of all taxes. This amount is intended to cover all the expenses of the ruler and his family, including expenses on account of his secretarial and personal staff, maintenance of his residences, marriages and other ceremonies, etc. and will neither be increased nor reduced for any reason whatsoever.

Provided that the sum specified above shall be payable only to the present Ruler of the State of Baroda and not to his successors for whom provision will be made subsequently by the Government of India.

The Government of India undertakes that the said sum of Rupees Twenty Six lakhs and fifty thousand shall be paid to His Highness the Maharaja in four equal instalments in advance at the beginning of each quarter from the State treasury or at such other treasury as may be specified by the Government of India.

ARTICLE IV

His Highness the Maharaja shall be entitled to the full ownership, use and enjoyment of all private properties (as distinct from State properties belonging to him on the date of this agreement. His Highness the Maharaja will furnish to the Dominion Government before the 31st day of March, 1949 an inventory of all immoveable property, securities and cash balance held by him as such private property. If any dispute arises as to whether any item of property is the private property of His Highness the Maharaja or State property, it shall be referred to a judicial officer qualified to be appointed as a High Court Judge, and the decision of that officer shall be final and binding on both parties.

ARTICLE V

All the members of His Highness family shall be entitled to all the personal privileges, dignities and titles enjoyed by them whether within or outside the territories of the State, immediately before the 15th day of August, 1947.

ARTICLE VI

The Dominion Government guarantees the succession, according to law and custom, to the gaddi of the State and to His Highness the Maharaja's personal rights, privileges, dignities and titles.

ARTICLE VII

No enquiry shall be made by or under the authority of the Government of India, and no proceedings shall lie in any Court in Baroda against His Highness the Maharaja, whether in a personal capacity or otherwise, in respect of anything done or omitted to be done by him or under his authority during the period of his administration of the State.

ARTICLE VIII

(1) The Government of India hereby guarantee either the continuance in service of the permanent members of the public Services of Baroda on conditions which will be not less

advantageous than those on which they were serving before the date on which the administration of Baroda is made over to the Government of India or the payment of reasonable compensation.

The Government of India further guarantees the continuance of pensions and leave salaries sanctioned by His Highnesses Maharaja to members of the Public Services of the State who have retired or proceeded on leave preparatory to retirement, before the date on which the administration of Baroda is made over to the Government of India.

ARTICLE IX

Except with the previous sanction of the Government of India, no proceedings, civil or criminal, shall be instituted against any person in respect of any act done or purporting to be done in the execution of his duties as a servant of the State before the day on which the administration is made over to the Government of India.

In confirmation whereof Mr. Vapal Pangunni Menon, Advisor to the Government of India in the Ministry of States has appended his signature on behalf and with the authority of the Governor General of India and His Highness Farzand-i-Khasi-Daulat-i-Inglishia Maharaja Sir Pratap Singh Gaekar Sena Khas Mal Shamsher Bahadur, C.C.I.E., Maharaja of Baroda has appended his signature on behalf of himself, his heirs and successors."

5. It is to be noted that the Government of India has, in fact, signed various treaties/ Instruments of Merger with the Princely States. As a consequence, the property of the erstwhile Princely States set out in the area called Princes' Area around the India Gate became the property of Government of India.

6. In order to decide the present Writ Appeals, the past history of the Baroda State relating to the property in question requires consideration.

7. On 26.02.1920, 8.2 acres of land lying between Curzon Road and Lytton Road was purchased by Sayaji Rao Gaekwad, the then Maharaja of Baroda from the Government of India.

8. On 04.02.1936, the Maharaja of Baroda also acquired/ purchased a plot measuring 6.12 acres named "Sirmoor Plot" which was located between Baroda house on the South and Travancore House on the North. As stated in the appeal, the Maharaja of Baroda was the owner of 8.2 Acres plus 6.12 acres of land in Delhi at the time of accession of the State of Baroda to India.

9. It has been further stated that in 1943, the then Government of India requested the Maharaja of Baroda to permit the Government of India to use the Baroda House as the allied forces were in need of accommodation, and the permission for the same was duly granted by the then Maharaja of Baroda. It has been further stated that as per the Instrument of Merger dated 21.03.1949 signed between the Government of India and the then Maharaja of Baroda, the State of Baroda was merged with Union of India and the Maharaja was permitted to retain all his private properties.

10. The facts of the case further reveal that the Government of India continued in possession of Sirmoor Plot and Baroda House, and officially, on 10.07.1951, the Government of India informed Maharaja Fateh Singh, the Maharaja of Baroda, that the Baroda House, New Delhi as well as Sirmoor Plot would become State property and would no longer be the private property of the Maharaja. In lieu of the aforesaid property, the Govt. of India took a decision to treat Nazarbagh Palace in Baroda as private

property of the Maharaja. The letter dated 10.07.1951 is reproduced as under:

"D.O. No.5. 196-P/49

Govt. of India
Ministry of States, New Delhi,
Dt. 10.07.1951

My dear Mahraja Saheb,

In a result of the consideration of the materials , furnished to them, the Govt. of India have decided that Baroda House, New Delhi and the Sirmur Plot will be state property and not " private property on your Highness.

In View of this decision, under the private properties settlement with your father, the Kesar Bagh Palace in Baroda will be treated as your private property.
With kind regards.

Your 'sincerely
Sd/
V.Shankar,
Join t Secretary

His highness Maharaja Fatehsing.
Maharaja of baroda
Baroda (Bombay)

Sd/
C.Ganeshan
Deputy Secretary to the Govt. of India"

11. The then Maharaja Fateh Singh vide letter dated 03/06.08.1951 acknowledged the letter issued by the Government of India dated 10.07.1951, and requested the Government that he should be given a place of residence in Delhi. He also expressed his desire to discuss the issue. The letter dated 03/06.08.1951 is reproduced as under:

"My dear Shankar,

This is to acknowledge receipt of your letter No. 5. 196-P/49 dated 10th July 1951.

I feel that I must have a place of residence in New Delhi so as to enable me to develop future contact with the Government of India and be of use to them. From this point of view I would like to discuss the question of transfer of Baroda House and Sirmur plot to the Government of India.

I feel confident that a solution agreeable to Government of India would be easily found out. We are to meet very soon for discussion and if you have no objection we will take up this matter at that time.

With kind regards,

Yours sincerely,

Sd

Sri v. Shankar, I.C.S.,
Joint Secretary to Ministry of States,
Government of India,
New Delhi"

12. The Government of India vide letter dated 23.11.1951 invited the attention of the Maharaja towards his letter dated 06.08.1951 and informed the Maharaja that the Government of India is facing acute shortage of accommodation and a decision should be taken immediately in the matter. The letter of Government of India dated 23.11.1951 is reproduced as under:

"D.O. No.D.4490-PB/51

Govt. of India

Ministry of States,
New Delhi, (2)
23rd November, 1951

My dear Mahraja Saheb,

Will your Highness kindly refer to your letter dated 6th August, 1951 in which you had stated that you would not be discuss with us further the question of the transferred to the Government of India of the Baroda House and the Sirmur Plot. In view of the acute accommodation difficulties of Government of India, we are anxious that the portion of the Baroda House now under your Highness' occupation as well as the Annexe and other connected building should be taken up over by the Government of India without delay. Before doing so, however, we shall be glad if you will kindly let us know what proposals you have in mind.

With kind regards.

Your sincerely
Sd/
(N.M.Buch)

His highness Maharaja Patehsing.

Maharaja of baroda"

13. The Maharaja of Baroda vide letter dated 04.04.1952 wrote a letter to Government of India and stated categorically that as per the final settlement, he is vacating the Baroda House and he should be permitted to remove the furniture and other valuables from the house (Baroda House). The letter dated 04.04.1952 is reproduced as under:

"

L.V. Palace,
Baroda,
4th April, 1952

My dear Shankar,

As per our final settlement regarding the Baroda House at New Delhi, I am sending Mr. Dattatray Madhav Mujumdar to hand over the house to the Railway Board and to remove the furniture and other removable valuables to the house the States Ministry will be kind enough to give us.

I have asked him to contact you for instructions regarding the transfer of furniture and other removable valuables.

Thanking you in anticipation

With kind regards.
Yours sincerely
Sd/-"

14. The erstwhile Maharaja vacated the property in question and he was allotted Nazarbagh Palace in Baroda, however, the Maharaja raised various other issues, including his request for accommodation in Delhi. The Government of India then vide letter dated 24.12.1953 informed the Maharaja that on account of acute shortage of accommodation, the Government of India would be unable to allot a plot in New Delhi for the Maharaja. The letter dated 24.12.1953 is reproduced as under:

"D.O. No. F.14(9)-PB/53

New Delhi

Dt. December 24th, 1953

My dear Maharaja Saheb,

Will Your Highness kindly refer to you letter dated the 21st November 1953 regarding certain outstanding matter? We have considered the various points in consultation with the authorities concerned and I indicate below the positions in rest of each item:-

(1) Baroda Jawahirkhana:

I have written toYour Highness separately in this connection vide my d.o. letter No.F.14(1)PB/52 dated 24th December 1953.

(2) Issue of certificates in respect of your Investments:

We are considering in consultation with our Law Ministry the form of the certificate to be issued and hope to send you the certificate within the next few days.

(3) Payment of Rs.50,000/- per annum for your personal staff:

The provision in the collateral letter does not I am afraid, warrant any payment of this nature. Your Highness might remember that this question was raised by Shri. K.K. Shah the discussions held in December 1953 and we then indicate it is not sustainable.

(4) Exemption from income-tax of the rental value of residences:

We received the recommendations of the Bombay Government that only the Laxmi Vilas Palacve should be included for the purpose. We have therefore decided that only the Laxmi Vilas Palace at Baroda should be treated as your official residence. The Government of India will consider any other suggestion which Your Highness may have in this connection.

(5) Railway Saloons:

We have taken up the matter with the Railway Board and we expect that the two saloons in questions will be accepted as Your Highness private property.

(6) General permission for Your Highness attendants to carry guns:

I am writing to the Bombay Government.

(7) Accommodation in New Delhi:

We regret that, due to acute shortage of accommodation, we have been unable so far to allot a building in New Delhi for Your Highness. The question is receiving our attention and I shall inform Your Highness as soon as possible.

(8) Rent for Sirmur plot and the Baroda house:

We have asked the appropriate Ministry to arrange for early payment to Your Highness.

(9) The question of liquidation of Your Highness overdraft and account with the Central Bank of India is under active consideration and we shall inform you of the position shortly.

(10) I am afraid it will not be possible for the Government of India to give retrospective effect to the allowances sanctioned so as to cover the cases of Your Highness sisters who were married before the date of our orders.

(11) Transfer of shares, securities and waiver of stamp duty thereon:

On the issue of the certificates in respect of Your Highness' private properties, copies will be sent to the Bombay Government to arrange for the transfer of shares, securities and debentures lying with the Accountant General. We have also taken up the question of exempting Your Highness from stampt duty on the transfer of these shares etc.

(12) In Regard to the income-tax forms to be filled up, we are writing to your Highness separately.

With kind regards,

Yours sincerely

Sd/-

C.S. Venkatacvhar
His Highness Maharaja Shri Fateh Singh Geakwad,
Maharaja of Baroda,
Laxmi Vilas Palace,
Baroda"

15. In the interregnum, Maharaja Fateh Singh was allotted a house in Delhi, i.e. a house at 7, Duplex Lane, by virtue of becoming a Member of Parliament and, as stated in the writ petition, the correspondences continued between the then Maharaja and the Government of India for allotment of house/ land to the former.

16. The Government of India finally, vide letter dated 13/15.04.1976, made a proposal for allotment of plot admeasuring 600 Sq. Yds in Jor Bagh, Delhi, subject to certain terms and conditions, and Maharaja Fateh Singh was requested to communicate his acceptance within 15 days positively. The letter dated 13/15.04.1976 is reproduced as under:

“

GOVERNMENT OF INDIA
MINISTRY OF WORKS & HOUSING
(NIRMAN AUR AWAS MANTRALAYA)

No. 26/10/64 (Vol. IV)(II) *New Delhi, the 13/15th April, 1976*

To

Shri Fateh Singhji Rao Gaikwad

7, Dupleix Lane, New Delhi

Subject:- Allotment of a plot admeasuring 600 sq. yds in Jor Bagh, New Delhi

Sir,

I am directed to say that it is proposed to allot to you a plot of land admeasuring 600 sq. yds. In Jor Bagh, New Delhi, to put up a house of your own and thus enable you to vacate the Government accommodation 1, Dupleix Road, New Delhi. The allotment of plot in interalia include the following:-

(i) The allotment of land will be made @ Rs. 303/- sq. yd. In addition, annual ground rent@ 2 ½ of the premium would also be payable.

(ii) You will be required to complete the construction of the building within two years of the date of taking over of possession of the land.

2. This allotment of plot would be subject to further conditions that you do not own a house/plot of land in Delhi/ New Delhi in your own name or in the name of any of your dependent(s) and your eligibility to possess this plot under the Urban Land(Ceiling and Regulation) Act, 1976. You shall vacate Bungalow No.7 Dupleix Lane within two years from the date of allotment of the aforesaid plot or the date of the construction of a building thereon, whichever is earlier, or the date from which you become ineligible for General Pool Accommodation as a Member of Parliament if it is later.

3. You are requested kindly to communicate your acceptance of this offer within 15 days from the date of issue of this letter failing which it shall be assumed that either you do not fulfill the conditions noted above or are not interested in the allotment of a plot in Delhi/New Delhi. In that event the allotment of Bungalow No.7, Dupleix Lane, New Delhi will be liable to be cancelled from your name immediately or the done from which you become ineligible for General Pool Accommodation as a Member of Parliament if it is later.

Yours faithfully,
(Gangadhar Jas)
Director (Housing)"

17. It is an undisputed fact that the Maharaja did not comply with the terms and conditions of the proposal, and continued his correspondence with the Government of India. The Government of India again informed the Maharaja vide letter dated 30.10.1976 that the proposed allotment was certainly subject to provisions of Urban Land (Ceiling and Regulations) Act, 1976. A copy of letter dated 30.10.1976 is reproduced as under:

"

GOVERNMENT OF INDIA
MINISTRY OF WORKS & HOUSING
(NIRMAN AUR AWAS MANTRALAYA

No. L.II 26(10)/64-(Vol. IV)

New Delhi, the 30th October,1976

To,

Shri Fatehsinghrao P. Gaekwad,

7, Dupleix Lane,

New Delhi

Dear Sir,

I am directed to refer to your letters dated the 23rd April 1976 and 26th April 1976 on the subject mentioned above and to give below the relevant information required by you.

(i) The premium will be required to be paid in lump-sum.

(ii)&(iii) The land will be allotted on perpetual lease-hold basis. A specimen copy of the perpetual lease deed in enclosed.

(iv)&(v) In Jor Bagh area, according to NDMC bye-laws, a two sotreyed building with Barasall Floor is permissible. The ground coverage will be 50% of 600 Sq. yds and the same will be for first floor. For Barasall Floor the permissible coverage will be 25% of Ground Floor or 500 sq. ft. whichever is less.

2. In accordance with the provisions of the Urban Land(Ceiling and Regulations) Act, 1976, one cannot hold vacant land in excess of the prescribed ceiling limit. The prescribed limit at Baroda is 1500 sq. meters and in New Delhi 500 sq. meters. Excess vacant land cannot be held both at Baroda and New Delhi. It is, therefore, requested that information about vacant land(s) held by you at Baroda and whether you have furnished return as required under Section 6 (1) of the At may also please be supplied to us so as to enable us to consider the question of allotment of land to you in New Delhi.

3. You are requested kindly to send your reply at an early date so that further action could be taken in the matter.

Yours faithfully,
(Gangadhar Jas)
Director(Housing)"

18. The then Maharaja, instead of accepting the proposal given by the Government of India, kept on continuing with his correspondence and again wrote a letter dated 05.08.1977 to the then Hon'ble Prime Minister of India, Shri Morarji Desai. The then Prime Minister, on 14.09.1977 suggested to the Maharaja to arrive at a decision and to inform the Ministry about the same. The letter dated 14.09.1977 is reproduced as under:

"PRIME MINISTRY

INDIA

No. 1188-PMO 177

New Delhi
September 14th, 1977

Dear Fatehsinghrao,

I have received your letter of the 5th August, 1977 regarding allotment of a plot of land to you in New Delhi. I have had enquiries made and it appears that a clarification of points raised by you has been given by the works & Housing Ministry and they are awaiting your acceptance of the proposals for the allotment of plot offered by them to you. I suggest that you might make up your mind and let them about it as soon as possible.

With regards,

Yours sincerely
sd/-
(Morarji Desai)

Shri Fatehsinghrao P. Geakwad, M.P.,
7, Dupleix Lane,
New Delhi,"

19. It is pertinent to note that the Maharaja was certainly holding land in excess of the ceiling limit under the provisions of Urban Land (Ceiling and Regulations) Act, 1976, and the then Hon'ble Prime Minister, Shri Morarji Desai on 03.08.1978, wrote a letter to the Maharaja informing him about the

same. A suggestion was made to the Maharaja to make out a case for exemption and apply to the Lt. Governor of Delhi, who was the competent authority for the purpose. The letter of Hon'ble Prime Minister dated 03.08.1978 is reproduced as under:

"PRIME MINISTRY

No. 1488-PMO /78

New Delhi
August 3rd , 1978

Dear Fatehsinghrao,

Please refer to your letter of the 20th July, 1978 regarding allotment of a plot of land in Jor Bagh. I have had enquiries made from the Department of works who are incharge or this matter as well as of the implementation of the urban ceiling Act, of 1975. They are willing to make the allotment but the main difficulty is about the effect of ceiling law on this particular transaction. I understand that you already hold in Baroda more than 1500 sq meters of land. Therefore, any land that you may hold outside Baroda would be hit by the limitation of Urban Land Ceiling Act. The only way you can get over it is by seeking exemption under the Act. I suggest that you make out a case for exemption and apply to the Lt. Governor of Delhi, who is the competent authority for the purpose.

With regards,

Yours sincerely
sd/-
(Morarji Desai)

Shri Fatehsinghrao P. Geakwad, M.P.,
7, Dupleix Lane,
New Delhi,"

20. The Maharaja continued with his representations in the matter, however, the fact remains that no plot was allotted to the Maharaja as he did not submit any proposal pursuant to the letter dated 13/15.04.1976. The

Maharaja, who was occupying a Government accommodation which had been allotted to him under a different category (being a Member of Parliament) kept on representing in the matter and also sought extension for retaining the Government accommodation. Consequently, the then Finance Minister, vide letter dated 25.05.1985, permitted the Maharaja to retain 7, Safdarjung Lane, for a period of 5 years. The letter dated 25.05.1985 is reproduced as under:

"1571/FM/85/VIP

FINANCE MINISTER

INDIA,

May 25, 1985

I am forwarding herewith for your consideration a letter dated the 10th May 1985 from Shri Ranjitsingh P. Geakwad, M.P. wherein he has made a request for early settlement of the case of Shri Fatehsinghrao P. Geakwad regarding allotment of plot and extension of the present allotment of 7, Safdarjung Lane, for further period of five years.

With regards,

Yours sincerely
sd/
(Vishwanath Pratap Singh)

SHRI ABDUL GAFOOR,
MINISTRY OF WORKS &
HOUSING GOVT. OF INDIA,
NEW DELHI-110011"

21. The Appellants before this Court have certainly filed various correspondences between the Maharaja/ Appellants and the Government in the matter of allotment of plot, and they were politely told to vacate the Government Bungalow.

22. The Directorate of Estates again passed an order on 07.05.1986 permitting Fateh Singh Rao P. Gaekwad, who has again been elected as a Member of Parliament, to retain the official bungalow, i.e. Bungalow No.7, Dupleix Lane for a period of 3 years. The letter dated 07.05.1986 is reproduced as under:

"MOST IMMEDIATE

GOVERNMENT OF INDIA

MINISTRY OF URBAN DEVELOPMENT
DIRECTORATE OF ESTATES

No.7/3/67-TS.

New Delhi, the 7th May, 1986

To,
Shri Fatehsionghrao P. Geakwad,
Ex-M.P.,
7, Dupleix Lane,
New Delhi.
Subject: Retention of Bungalow No.7, Dupleix Lane by Shri Fatehsinghrao P.·Geakwad, Ex-M.P.

Dear Sir,

I am directed to say that it has been decided to allow, you to retain bungalow No.7, Dupleix Lane for a period of three years with effect from 01.12.1984 or till the date of allotment of a plot of land to you, whichever date is earlier, on payment of license fee at market rate other terms and conditions of the allotment will remain the same.

2. Receipt of the letter may kindly be acknowledged. Yours Faithfully

Sd/
(B.P.Singh)
Dy. Director of Estates"

23. The Maharaja/descendant of Maharaja continued representing in the matter and also continued to occupy the Government accommodation as extensions were granted from time to time, however, the fact remains that no plot was allotted to the Maharaja. Finally Maharaja R.P. Geakwad, ex-MP, was informed vide letter dated 27.09.2000 that he was unauthorizedly retaining Bungalow No.7, Safdarjung Lane, and he was requested to vacate the premises in question. As the Maharaja did not vacate the premises, a notice was issued to Maharaja Ranjit Singh Gaekwad by the Estate Office under Section 4 of the Public Premises Eviction of Unauthorized Occupants Act, 1971 on 20.10.2000. A copy of the notice dated 20.10.2000 is reproduced as under:

"NOTICE UNDER SUB SECTION (I) AND CLAUSE (B) OF SUB SECTION (2) OF SECTION (4) OF THE PUBLIC PREMISES (EVICTION) OF UNAUTHORISED OCCUPANTS ACT, 1971

OFFICE OF THE ESTATES OFFICER AND DEPUTY ASSTT. DIRECTOR OF ESTATES (LITIGATION) DORECTORATE OFESTATES, MAULANA AZAD ROAD, NIRMAN BHAWAN, NEW DELHI-110001

No. EG/164/DD/LIT/20 ... /L .

To,

Ranjit Singh Geakwad

7, Safdarjung Lane,

New Delhi-110011

Whereas, I undersigned am of the opinion on the grounds specified below that you are in the unauthorized occupation of the public premises mentioned in the SCHEDULE below and that you should be received from the said premises

GROUNDS

You have been continue to occupy premises as specified in the SCHEDULE below even after its allotment stands cancelled w.e.f. 26.12.1989 vide dte. of Estates letter No. PP .. /32/ ..... /EX-MP2, and the period for which you were allowed to retain the instant premises has also expired vide dte. of Estates letter of even number dated .....

Now, therefore, in pursuance of sub-section (1") of Section (4) of the Act, I hereby, call upon you to show cause on or before the 14 Nov 2000 why such an order of eviction should not be made.
And, in pursuance of clause (b) (ii) sub-section (2) of section (4) I also call upon you to appear before me in person or through a duly an authorised representative capable to answer all material questions connected with the matter alongwith the evidence which you intend to produce in support of the cause so on 14 Nov 200at 2:30PM for personal hearing, in case you fail to appear on the said date and time the case will be decided Ex-parte.

Date: 20th Oct, 2000

Sd/-
Signature and seal of the Estates officer

7, Safdarjung Lane,
New Delhi-110011"

24. The Estate Officer finally passed an order dated 28.11.2001 under Section 5 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, and the same is reproduced as under:

"OFFICE OF THE ESTATE OFFICER AND DEPUTY DIRECTOR OF ESTATES (LITIGATION) DIRECTORATE OF

ESTATES, NIRMAN BHAVAN, NEW DELHI

EC/NO. 164/DD/Lit/2000/LOMP

All persons concerned and in particular:
Shri Ranjit Singh Gaekwad,
7, Safdarjung Lane,
New Delhi,

Whereas I the undersigned am satisfied for the reasons recorded below that Shri Ranjit Singh Gaekwad is in unauthorized occupation of the public premises specified in the Schedule below:

REASONS

You Have Been Continuing to Occupy Public Premises Specified In The Schedule below oven after its Cancellation w.e.f 27.12.1989 vide Lok Sabha Sectt. Letter No. 132/2000/Ex-MP/MS dated 27.09.2000.

You have failed to prove that occupation of the premises in question is not unauthorized.

Now, therefore, in exercise of the powers conferred on me under Sub-Section (I) of the Section 5 of the public Premises (Eviction of Unauthorized Occupants) Act, 1971, I hereby order that Shri Ranjit Singh Gaekwad and the persons who may be in occupation of the premises top vacate the same within 15 days from the date of issue of this publication. In the event of refusal or failure to comply with this order within the period specified above, the said family of Shri. Ranjit Singh Gaekwad and all concerned are liable to be evicted from the said premises, if need by, by use of such force as may be necessary.

SCHEDUL
Bungalow No.7, Safdarjung Lane,
New Delhi

Sd/-
(Dr. Gita Rawat)
Estate officer Seal

Date: 28.11.2001"

25. A petition was preferred in the matter for the eviction of the Maharaja against the eviction order dated 28.11.2001.

26. In the Writ Petitions preferred before this Court, the following reliefs had been prayed for:

> *In W.P. (C) 5573/2002 the petitioners sought for the following reliefs:*
>
> *"... a) Writ of Mandamus and or Writ in the nature of mandamus or any other appropriate Writ or Direction as may be deemed fit and proper directing and commanding the Respondent to allot suitable plot/plots of land in a prime location in New Delhi in lieu of the retention of the private property of Maharaja of Baroda i.e. Baroda House and Sirmoor Plot at New Delhi by the Respondent to the Petitioners forthwith.*
>
> *b) to issue writ of Mandamus and or Writ in the nature of Mandamus or any other appropriate Writ or direction to the Respondent thereby directing to determine to pay up to date or deposit in the court the compensation for retaining and occupying illegally the private properties of the Petitioner Maharaja of Baroda till the Respondent allots suitable plot/plots of land in the prime location in New Delhi in lieu of continuous occupation and retention of Baroda House and Sirmoor plot properties belonging to the Petitioner.*
>
> *c) to issue a writ of prohibition or the writ in the nature of Prohibition or any appropriate direction or order restraining the Respondents their officers, subordinates agents, nominees, servants and persons claiming through or under them from selling, allotting, transferring, leasing, or alienating or parting with the possession to Baroda House and Sirmoor Plot to any other person/persons authority/entity except to the Petitioner.*
>
> *d) To issue Writ of Prohibition or Writ in the nature of Prohibition or any other appropriate direction or order restraining the Respondents their officers, subordinates, agents,*

nominees, servants and persons claiming through or under them from allowing any person/ persons/ authority entity to raise any fresh construction on Baroda House and Sirmoor plot / properties except the Petitioner.

e) To issue a writ of prohibition or a Writ in the nature of Prohibition or any other appropriate directions or order not to give any effect to the impugned communications / orders/directions dated 6.8.2002 read with order 28.11.2001 by the Additional Director of Estates, Ministry of Urban Development, Union of India in any manner what so ever and to refrain from interfering with continued and peaceful possession and the rights of the petitioner in terms of Bungalow No. 7, Safdarjung Lane, New Delhi till the respondents allot a suitable plot/s of land in lieu of wrongful retention and occupation of the private property of Maharaja of Baroda namely Baroda House and Sirmoor Plot at New Delhi.

f) To issue a Writ of Certiorari and a Writ in the nature of certiorari or any other appropriate writ or order or direction calling for the legality and validity of impugned communications orders, or directions date 6.8.2002 read with order dated 28.11.2001 of additional Director of Estates, to quash and set aside the same and direct the Respondents to refrain from giving effect to the same.

g) To issue a Writ of Mandamus or a Writ in the nature of Mandamus or any other appropriate writ or direction directing the respondents to allow the petitioner to continue to retain and occupy Bungalow No. 7, Safdarjung Lane on the present terms and conditions till the suitable plot of land is allotted by the Respondent to the Petitioner in lieu of wrongful retention and occupation of the private property of Maharaja of Baroda namely Baroda House and Sirmoor Plot at New Delhi."

And in W.P.(C) 1909/2008, the following reliefs were sought:

"... (a)Writ in the nature of mandamus or any other appropriate writ or direction as may be deemed fit and proper directing and commanding the respondent to allot suitable

plot/plots of land in a prime location in New Delhi in lieu of the retention of the private property of The Late Maharaja of Baroda i.e. Baroda House and Sirmoor Plot at New Delhi by the Respondent to the petitioner forthwith; or

(b)To issue writ of mandamus and or writ in the nature of mandamus or any other appropriate writ or direction to the respondents thereby directing to pay upto date or deposit in the court the compensation for retaining and occupying illegally the private properties of the petitioner till the respondent allots suitable plot/plots of land in the prime location in New Delhi in lieu of continuous occupation and retention of Baroda House and Sirmoor Plot properties belonging to the petitioner; or

(c) To issue writ of mandamus and or writ in the nature of mandamus or any other appropriate writ or direction to the respondent thereby directing to pay adequate compensation for retaining the two properties in question namely Baroda House and Sirmoor land, else to vacate and deliver its possession back to the petitioner's family within a period specified by the Hon'ble Court; or

(d)To issue writ of mandamus and or writ in the nature of mandamus or any other appropriate writ or direction to respondents directing to pay full market value of the property retained, as consideration against the property.

(e) Issue rule in terms of prayer A, B, C & D here in above and to issue any other or appropriate order or direction as the Hon'ble Court may deem fit and proper in the interest of justice."

27. The learned Single Judge initially on 03.09.2002 had passed an order granting stay in the matter of eviction. A detailed and exhaustive reply was filed by the Union of India and the learned Single Judge dismissed the writ petition by Order dated 14.08.2020. Paragraphs 12,13,14 and 15 of the Order passed by the learned Single Judge reads as under:

"12.However, the above referred correspondence, could at best be categorized as representative of internal deliberations of the Government. It, did not fructify into a communication to the petitioner of a right in his favour. Despite the lapse of half a century, the Government did not actually take a final decision apropos allotment of land to the petitioner in Delhi, exempting him from the rigours of the ULCRA, 1976. With the passage of time, as India matured in law to a more egalitarian society, granting such exemption to an individual, seemed less justifiable for the Government of the day. A decision, if any, was never communicated to the petitioner, despite his repeated requests and reminders. The said Act was repealed in 1996. The aforementioned offer was made 20 years prior to that. The petition was filed in 2002, six years after the Act was repealed. Surely, this petition is fraught with several obstacles – the first being that the petitioner has not established any right in law which he could pursue; the second, it suffers from laches and third, the exemption under the ULCRA was never granted or communicated to him. This Court, in Rakesh Seksaria v. Union of India W.P. (C) 4256/2015, has held inter alia as under:

> *"32. Mr. Patwalia's plea that the notings on file supported the case of the Petitioners has only to be noted to be rejected. It is well settled that mere notings on file do not represent the final decision of the concerned authority; and that unless the decision taken is approved and communicated in a manner recognised by law, it is not actionable. In this context, the following observations of the Supreme Court in Pimpri Chinchwad New Township Development Authority v. Vishnudev Cooperative Society, (2018) 8 SCC 215 are relevant:*
>
> *"36. A mere noting in the official files of the Government while dealing with any matter pertaining to any person is essentially an internal matter of the Government and carries with it no legal sanctity; Second, once the decision on such*

issue is taken and approved by the competent authority empowered by the Government in that behalf, it is required to be communicated to the person concerned by the State Government. In other words, so long as the decision based on such internal deliberation is not approved and communicated by the competent authority as per the procedure prescribed in that behalf to the person concerned, such noting does not create any right in favour of the person concerned nor it partake the nature of any legal order so as to enable the person concerned to claim any benefit of any such internal deliberation. Such noting(s) or/and deliberation(s) are always capable of being changed or/and amended or/and withdrawn by the competent authority.""

13.As indicated, none of the internal deliberations of the Government can form the basis of any right in favour of the petitioners. In the absence of any right which could be said to have been breached, there can be no remedy.

14.Possession of the house at 7, Safdarjung Lane, from the 'general pool accommodation' granted to the petitioner ended with his tenure as a Member of Parliament. It has long since been vacated by the petitioner. Therefore, the relief sought in this regard has become infructuous.

15.The petitions are without merit and are, accordingly, dismissed along with the pending applications."

28. Against the aforesaid Order, the present writ appeals have been filed.

GROUNDS

i.) The Appellants in both the appeals have raised various grounds and their contention is that the Order passed by the learned Single Judge is bad in law and on facts, arbitrary and contrary to the fundamental rights and

constitutional rights as enshrined in the Constitution of India, and hence, it deserves to be set aside.

ii.) The Appellants have raised another ground stating that the learned Single Judge has wrongly held, contrary to the record that the Appellants failed to establish any right with respect to allotment of plot in lieu of Baroda House and Sirmoor plot. The learned Single Judge erred in appreciating the fact that the failure on the part of the Respondent to allot suitable plot/ plots of land in lieu of continued occupation of the Baroda House and the Sirmoor Plot, the private properties belonging to Maharaja of Baroda, specially when other similarly placed Princes, who were also possessing property in and around India Gate (Princes' Block) had been allotted plots of land in lieu of occupation of their private properties by the Union of India, is arbitrary, unjust, and that this unfair action has resulted in the discrimination of the Appellants as well as resulted in violation of their Fundamental Rights under Article 14 of the Constitution of India.

iii.) The Appellants have raised another ground stating that allotment of plot to other Maharajas and denial of the same to the Appellants is discriminatory, arbitrary and, therefore, the Appellants are also entitled to allotment of plot.

iv.) The Appellants have further stated that the Rights and Privileges of Rulers of States, which was a part of the settlement in the Instruments of Merger' and Accession were elevated to a Constitutional Status under Article 362 which was repealed vide Constitution (Twenty-Sixth) Amendment Act 1971, by following due process of amending the

Constitution of India. Twenty- Sixth Amendment also inserted Article 363A and the same reads as under:

"363 A. Notwithstanding anything in this Constitution or in any law for the time being in force-

(a) the Prince, Chief or other person who, at any time before the commencement of the Constitution (Twenty-sixth Amendment) Act, 1971, was recognised by the 'President as the Ruler of an Indian State or any person who, at any time before such commencement, was recognised by the "President as the successor of such ruler shall, on and from such commencement, cease to be recognised as such Ruler or the successor of such Ruler;

(b) on and from the commencement of the Constitution (Twenty-sixth Amendment) Act, 1971, privy purse is abolished and all rights, liabilities and obligations In respect of privy purse are extinguished and accordingly the Ruler or, as the case may be, the successor of such Ruler, referred to in clause (a) or any other person shall not be paid any sum as privy purse."

The Appellants in the light of the aforesaid have stated that the Twenty-Sixth Amendment did not touch upon the rights of erstwhile Rulers to their private properties, and their rights and entitlements to the same. It is due to this that the Appellant herein filed the Writ Petition to enforce their fundamental rights, including that of equality, and invoked the principle of promissory estoppel. It has been further contended that a legal right accrued in favour of the Appellants with respect to an alternative plot being allotted to the Maharaja in New Delhi in lieu of the property retained by Government of India as a process of understanding whereby Petitioner accepted the offer of Government of India to accept a State Property in Baroda as his Private Property instead of Baroda House and Sirmoor Plot in Delhi. It has been further contended that this arrangement was evidenced

from official records, affirmed by a Cabinet decision in 1972 culminating in allotment letters being actually issued. However, a declaration under Urban Land and Ceiling Act was sought, for the purpose of which grant of exemption was being explored. At no point was there a denial of right of the Petitioner to a plot of land being allotted, nor was there a delay due to administrative sloth, lethargy and obstructionism and technicalities. Even as late as in the year 2003, allotment letters of plots in Jor Bagh were prepared and were signed but were not posted because the said plots were found to be under illegal encroachment for building NDMC officers' flats. These records were made available by Union of India pursuant to directions of this Court before the learned Single Judge. It has been further stated that the Appellants herein filed an additional affidavit to point out the administrative mala fides as evidenced from the record of the government resulting in denial of rights of the Appellant. Thereafter, the file was abruptly closed as it would have led to inquiries on the matter of illegal encroachment by NDMC in building flats for its officers and a cryptic noting was made to the effect that there is no policy to allot land to private individuals, thereby putting to· naught Cabinet decisions and defeating the rights and entitlements of Petitioner.

v.) A ground has been raised that the learned Single Judge had recorded a completely wrong finding contrary to the documents and pleadings on record, to the effect that it is Government's case that "*.... it no longer has a policy of allotment of alternate land in Delhi, to erstwhile Rulers of former princely States, which merged into India.*". The noting closing the file

recorded that there is no policy to allot land to private individuals, which itself is untenable in the facts and circumstances of the present case.

vi.) The Appellants have further stated that a proposal was made on 13.04.1976 to allot 600 yards of land in Jor Bagh, and a draft of perpetual lease was sent to Maharaja, however, due to the provisions of Urban Land (Ceiling and Regulation) Act, 1976, the Respondents had advised the Maharaja to seek exemption under the said Act from the Lieutenant Governor of Delhi. The Lieutenant Governor had informed the Maharaja that the matter relating to grant of exemption had been sent to the concerned Ministry for consideration. However, no exemption was granted to the Maharaja and, as the exemption was not granted to the Maharaja, the Maharaja was not at fault and the learned Single Judge ought to have allowed the writ petition by issuing a Writ, Order or Direction, directing allotment of land to the Appellants.

vii.) It has also been stated that initially, residential accommodation was allotted to Shri Fatehsingh Rao Gaekwad, who was the elder brother Maharaja Ranjit Singh Gaekwad (deceased) and the Appellant Maharaja Ranjit Singh Gaekwad was allotted Bungalow No.7, Safdurjung Lane, originally as a Member of the Parliament and was allowed to retain the Bungalow till allotment of suitable land in Delhi and, therefore, he was not an unauthorized occupant as held by the learned Single Judge.

viii.) It has also been stated that the Maharaja should have been allotted a plot as was done in other cases for other Maharajas. The Appellants have also raised a ground of promissory estoppel and it has been stated that Baroda House and Sirmoor Plot were the exclusive property of the

Maharaja, however, the Government of India exchanged the Baroda House and Sirmoor Plot, which had greater value, with Nazarbagh Palace to which the Maharaja agreed. Further, a promise was made to the Maharaja for allotment of land in Delhi and the Government failed to honour its promise and, therefore, keeping in view the Principle of Promissory Estoppel, the Maharaja/ his legal heirs were entitled to allotment of plot.

ix.) The Appellants have also submitted that they kept on representing the matter with the Government of India and, at no point of time, their request was turned down by the Government for allotment of plot and, therefore, they cannot be denied the relief on the ground of delay and latches as has been held by the learned Single Judge.

x.) The Appellants have also raised a plea that the Appellants were never in unauthorized occupation of Bungalow No.7, Safdurjung Lane, and even when the Appellant ceased to be a Member of the Parliament in 1989, the Appellant was permitted to retain the property under the arrangement of providing suitable residential accommodation to the Maharaja of Baroda and his family in lieu of Baroda House and Sirmoor Plot and, therefore, the action initiated under the Public Premises Eviction of Unauthorized Occupants Act, 1971, is bad in law and the learned Single Judge has failed to take notice of the aforesaid Act.

xi.) The Appellants have also taken a ground that the Order of Eviction dated 06.08.2002 read with order dated 28.11.2001 of the Additional Director of Estates directing the Appellant to vacate the Bungalow No.7, Safdarjung Lane, New Delhi is without jurisdiction and has been issued

without any authority and has no force of law and as such null and void ab-initio.

xii.) The Appellants have also taken a ground before this Court that they were in continuous possession of Bungalow No.7, Safdarjung Lane, and they were paying the licence fee/ lease rent and, therefore, by no stretch of imagination, they could have been deemed to be unauthorized occupants.

xiii.) The Appellants have prayed for quashment of the Order passed under the Public Premises Eviction of Unauthorized Occupants Act, 1971, and have prayed for suitable plot of land.

29. Learned Counsel for the Petitioner has placed reliance upon the following judgments:

i.) ***Sukhdutt Ratra v. State of Himachal***, (2022) 7SCC 508;

ii.) ***Motilal Padampat Sugar Mills Co. Ltd. V. State of U.P***., (1979) 2 SCC 409;

iii.) ***Union of India v. Godfey Philips India Ltd***., (1985) 4SCC 369;

iv.) ***B.K. Ravichanda & Ors. V. Union of India***, (2020) SCC Online SC 950;

v.) ***Grahak Sanstha Manch v. State of Maharashtra***, (1994) 4 SCC 192;

vi.) ***Jilubhai Nanbhai Khachar v. State of Gujarat***, 1995 Supp (1) 596;

vii.) ***Talat Fatima Hasan v. Syed Murtaza***, (2020) 15 SCC 655;

viii.) ***Union of India and Another v. Raja Mohammed Amir Mohammad Khan***, (2005) 8 SCC 696;

ix.) ***Pioneer Urban Land and Infrastructure Limited and Another v. Union of India and Others***, (2019) 8 SCC 416;

x.) ***M/s. Motilal Padampat Sugar Mills Co. Ltd. V. State of Uttar Pradesh and Others***, (1979) 2SCC 409;

xi.) ***Income Tax Officer and Others v. M/s. Madnani Engineering Works Ltd, Calcutta***, (1979) 2SCC 455;

xii.) ***Union of India and Others v. Godfrey Philips India Ltd***, (1985) 4SCC 369;

xiii.) ***Union of India and Others v. Hindustan Development Corporation and Others***, (1993) 3SCC 499; and

xiv.) ***Union of India and Anr. V. Raja Mohammed Amir Mohammad Khan***, (2005) 8 SCC 696.

30. The undisputed facts of the case reveal that the Instrument of Merger was signed on 21.03.1949 by the then Maharaja Pratap Singh Gaekwad.

31. As per the terms of the Covenant, the private properties belonging to the Maharaja were to be retained by the Maharaja and the other remaining properties became the exclusive properties of the Government of India. The facts of the case further reveal that the Government of India on 10.07.1951 informed Maharaja Fateh Singh, the Maharaja of Baroda that the Baroda House, New Delhi, and Sirmoor plot would be State property and would no

longer be the property of the Maharaja. The Government of India in lieu of the aforesaid property took a decision to treat the Nazarbagh Palace in Baroda as a private property of the Maharaja. The Maharaja at the relevant point of time, as he was occupying some portion of Baroda House, vacated the same.

32. The Maharaja on 03/06.08.1951 requested the Government of India to provide him a place of residence in Delhi and the correspondence between the Maharaja and the Government of India continued on the subject. Thereafter, the Ministry of Works & Housing, Government of India issued a letter on 13/15.04.1976, proposing to allot a plot of 600 Sq. Yds. in Jor Bagh to the Maharaja in Delhi. However, the same was subjected to certain terms and conditions and, in the proposal, it was made clear that the allotment of plot would be subject to provisions of Urban Land (Ceiling And Regulation) Act, 1976. The Maharaja was granted 15 days' time to convey his acceptance in the year 1976.

33. It is again an undisputed fact that the then Maharaja did not comply with the terms and conditions of the proposal and continued with the correspondences. He also continued to occupy Bungalow No.7, Dupleix Lane, which was allotted to him as he was a Member of Parliament at that point of time. The Maharaja kept on sending representations and also requested the Directorate of Estates to permit him to continue in the Bungalow which was allotted by virtue of him being a Member of Parliament.

34. It is again an undisputed fact that the Maharaja did not submit his acceptance in terms of the letter issued by Government of India for

allotment of plot and was occupying a bungalow which had been allotted to him by virtue of his being a Member of Parliament. The Government of India took shelter of the statutory provisions contained in the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, and finally an order of eviction was passed in the matter.

35. The Maharaja, against the Order of eviction dated 28.11.2001 came up before this Court praying for quashment of the order of eviction, and two writ petitions were preferred, i.e. W.P.(C.) No. 5573/2002 & W.P.(C.) No. 1909/2008, arising out of eviction as well as allotment of the plot.

36. W.P.(C.) No. 5573/2002 has been filed by the legal heirs of the Maharaja and the other writ petition i.e. W.P.(C.) No. 1909/2008, again has been field by Srimant Sangram Sinh Pratap Singh Gaekwad, who is also a legal heir of the Maharaja. The learned Single Judge has dismissed both the writ petitions.

37. The record of the case reveals that the Government of India had proposed allotment of a piece of land in Delhi to the Maharaja in the year 1976 and the Maharaja did not submit his acceptance in terms of the proposal and kept on corresponding with the Government of India. The proposal was subject to Urban Land (Ceiling And Regulation) Act, 1976, and the Act was repealed in the year 1996. Meaning thereby, the offer of allotment of land was made in 1976, i.e. 20 years prior to the date on which the Act was repealed. The petition was filed before this Court in the year 2002 and no exemption was granted to the Maharaja under Urban Land (Ceiling and Regulation) Act, 1976, at any point of time.

38. The short question that arises before this Court is whether there was any decision by the Government of India to allot the plot to the Maharaja or not.

39. The proposal which is on record makes it very clear that it was a mere proposal by Government of India subject to certain terms and conditions, and the Maharaja did not fulfil the terms and conditions of the proposal made by the Government of India and kept on deliberating with the Government.

40. The internal deliberations with the Government of India can never be said to be an allotment of plot in favour of late Maharaja or his successors and the Appellants have not been able to point out any breach of statutory provisions before this Court, that can enable this Court to issue a Writ, Order or Direction in the matter as prayed for.

41. The Appellants before this Court were unauthorizedly occupying the house at 7, Safdarjung Lane, which had been allotted under the Member of Parliament category, and could not have been allotted to the Maharaja as prayed for.

42. The competent authority under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 has rightly passed the Order which has been upheld by the learned Single Judge.

43. Learned counsel for the Petitioner has placed reliance upon a judgment delivered in ***Sukhdutt Ratra v. State of Himachal***, (2022) 7 SCC 508 and heavy emphasis being placed upon paragraphs 13 to 25. Paragraphs 13 to 25 of the aforesaid judgment read as under:

"Analysis and conclusion

13. *While the right to property is no longer a fundamental right ["Constitution (Forty-fourth Amendment) Act, 1978"], it is pertinent to note that at the time of dispossession of the subject land, this right was still included in Part III of the Constitution. The right against deprivation of property unless in accordance with procedure established by law, continues to be a constitutional right under Article 300-A.*

14. *It is the cardinal principle of the rule of law, that nobody can be deprived of liberty or property without due process, or authorisation of law. The recognition of this dates back to the 1700s to the decision of the King's Bench in Entick v. Carrington [Entick v. Carrington, 1765 EWHC (KB) J98 : 95 ER 807] and by this Court in Wazir Chand v. State of H.P. [Wazir Chand v. State of H.P., (1955) 1 SCR 408 : AIR 1954 SC 415] Further, in several judgments, this Court has repeatedly held that rather than enjoying a wider bandwidth of lenience, the State often has a higher responsibility in demonstrating that it has acted within the confines of legality, and therefore, not tarnished the basic principle of the rule of law.*

15. *When it comes to the subject of private property, this Court has upheld the high threshold of legality that must be met, to dispossess an individual of their property, and even more so when done by the State. In Bishan Das v. State of Punjab [Bishan Das v. State of Punjab, (1962) 2 SCR 69 : AIR 1961 SC 1570] this Court rejected the contention that the petitioners in the case were trespassers and could be removed by an executive order, and instead concluded that the executive action taken by the State and its officers, was destructive of the basic principle of the rule of law. This Court, in another case — State of U.P. v. Dharmander Prasad Singh [State of U.P. v. Dharmander Prasad Singh, (1989) 2 SCC 505 : (1989) 1 SCR 176] , held : (SCC p. 516, para 30)*

> *"30. A lessor, with the best of title, has no right to resume possession extra-judicially by use of force,*

from a lessee, even after the expiry or earlier termination of the lease by forfeiture or otherwise. The use of the expression "re-entry" in the lease deed does not authorise extra-judicial methods to resume possession. Under law, the possession of a lessee, even after the expiry or its earlier termination is juridical possession and forcible dispossession is prohibited; a lessee cannot be dispossessed otherwise than in due course of law. In the present case, the fact that the lessor is the State does not place it in any higher or better position. On the contrary, it is under an additional inhibition stemming from the requirement that all actions of Government and Governmental authorities should have a "legal pedigree"."

16. *Given the important protection extended to an individual vis-à-vis their private property (embodied earlier in Article 31, and now as a constitutional right in Article 300-A), and the high threshold the State must meet while acquiring land, the question remains — can the State, merely on the ground of delay and laches, evade its legal responsibility towards those from whom private property has been expropriated? In these facts and circumstances, we find this conclusion to be unacceptable, and warranting intervention on the grounds of equity and fairness.*

17. *When seen holistically, it is apparent that the State's actions, or lack thereof, have in fact compounded the injustice meted out to the appellants and compelled them to approach this Court, albeit belatedly. The initiation of acquisition proceedings initially in the 1990s occurred only at the behest of the High Court. Even after such judicial intervention, the State continued to only extend the benefit of the Court's directions to those who specifically approached the courts. The State's lackadaisical conduct is discernible from this action of initiating acquisition proceedings selectively, only in respect to the lands of those writ petitioners who had approached the court in earlier proceedings, and not other landowners,*

pursuant to the orders dated 23-4-2007 (in Anakh Singh v. State of H.P. [Anakh Singh v. State of H.P., 2007 SCC OnLine HP 220]) and 20-12-2013 (in Onkar Singh v. State [Onkar Singh v. State, CWP No. 1356 of 2010, order dated 20-12-2013 (HP)]), respectively. In this manner, at every stage, the State sought to shirk its responsibility of acquiring land required for public use in the manner prescribed by law.

18. *There is a welter of precedents on delay and laches which conclude either way—as contended by both sides in the present dispute—however, the specific factual matrix compels this Court to weigh in favour of the appellant landowners. The State cannot shield itself behind the ground of delay and laches in such a situation; there cannot be a "limitation" to doing justice. This Court in a much earlier case — Maharashtra SRTC v. Balwant Regular Motor Service [Maharashtra SRTC v. Balwant Regular Motor Service, (1969) 1 SCR 808 : AIR 1969 SC 329] , held : (AIR pp. 335-36, para 11)*

> *"11. ... 'Now the doctrine of laches in Courts of Equity is not an arbitrary or a technical doctrine. Where it would be practically unjust to give a remedy, either because the party has, by his conduct, done that which might fairly be regarded as equivalent to a waiver of it, or where by his conduct and neglect he has, though perhaps not waiving that remedy, yet put the other party in a situation in which it would not be reasonable to place him if the remedy were afterwards to be asserted in either of these cases, lapse of time and delay are most material.*
>
> *But in every case, if an argument against relief, which otherwise would be just, is founded upon mere delay, that delay of course not amounting to a bar by any statute of limitations, the validity of that defence must be tried upon principles substantially equitable. Two circumstances, always important in such cases, are, the length of the delay and the nature of the acts done during the*

interval, which might affect either party and cause a balance of justice or injustice in taking the one course or the other, so far as relates to the remedy'."

19. *The facts of the present case reveal that the State has, in a clandestine and arbitrary manner, actively tried to limit disbursal of compensation as required by law, only to those for which it was specifically prodded by the courts, rather than to all those who are entitled. This arbitrary action, which is also violative of the appellants' prevailing Article 31 right (at the time of cause of action), undoubtedly warranted consideration, and intervention by the High Court, under its Article 226 jurisdiction. This Court, in Manohar [State of U.P. v. Manohar, (2005) 2 SCC 126] —a similar case where the name of the aggrieved had been deleted from revenue records leading to his dispossession from the land without payment of compensation held : (SCC pp. 128-29, paras 6-8)*

"6. Having heard the learned counsel for the appellants, we are satisfied that the case projected before the court by the appellants is utterly untenable and not worthy of emanating from any State which professes the least regard to being a welfare State. When we pointed out to the learned counsel that, at this stage at least, the State should be gracious enough to accept its mistake and promptly pay the compensation to the respondent, the State has taken an intractable attitude and persisted in opposing what appears to be a just and reasonable claim of the respondent.

7. Ours is a constitutional democracy and the rights available to the citizens are declared by the Constitution. Although Article 19(1)(f) was deleted by the Forty-fourth Amendment to the Constitution, Article 300-A has been placed in the Constitution, which reads as follows:

> *'**300-A. Persons not to be deprived of property save by authority of law**.— No person shall be deprived of his property save by authority of law.'*

> *8. This is a case where we find utter lack of legal authority for deprivation of the respondent's property by the appellants who are State authorities. In our view, this case was an eminently fit one for exercising the writ jurisdiction of the High Court under Article 226 of the Constitution."*

20. *Again, in Tukaram Kana Joshi [Tukaram Kana Joshi v. Maharashtra Industrial Development Corpn. (MIDC), (2013) 1 SCC 353 : (2013) 1 SCC (Civ) 491 : (2012) 13 SCR 29] while dealing with a similar fact situation, this Court held as follows : (SCC p. 359, para 11)*

> *"11. There are authorities which state that delay and laches extinguish the right to put forth a claim. Most of these authorities pertain to service jurisprudence, grant of compensation for a wrong done to them decades ago, recovery of statutory dues, claim for educational facilities and other categories of similar cases, etc. Though, it is true that there are a few authorities that lay down that delay and laches debar a citizen from seeking remedy, even if his fundamental right has been violated, under Article 32 or 226 of the Constitution, the case at hand deals with a different scenario altogether. The functionaries of the State took over possession of the land belonging to the appellants without any sanction of law. The appellants had asked repeatedly for grant of the benefit of compensation. The State must either comply with the procedure laid down for acquisition, or requisition, or any other permissible statutory mode."*

21. *Having considered the pleadings filed, this Court finds that the contentions raised by the State, do not inspire confidence and deserve to be rejected. The State has merely averred to the appellants' alleged verbal consent or the lack of objection, but has not placed any material on record to substantiate this plea. Further, the State was unable to produce any evidence indicating that the land of the appellants had been taken over or acquired in the manner known to law, or that they had ever paid any compensation. It is pertinent to note that this was the State's position, and subsequent findings of the High Court in 2007 as well, in the other writ proceedings.*

22. *This Court is also not moved by the State's contention that since the property is not adjoining to that of the appellants, it disentitles them from claiming benefit on the ground of parity. Despite it not being adjoining (which is admitted in the rejoinder-affidavit filed by the appellants), it is clear that the subject land was acquired for the same reason—construction of the Narag Fagla Road, in 1972-1973, and much like the claimants before the Reference Court, these appellants too were illegally dispossessed without following due process of law, thus resulting in violation of Article 31 and warranting the High Court's intervention under Article 226 jurisdiction. In the absence of written consent to voluntarily give up their land, the appellants were entitled to compensation in terms of law. The need for written consent in matters of land acquisition proceedings, has been noted in fact, by the Full Court decision of the High Court in Shankar Das [Shankar Das v. State of H.P., 2013 SCC OnLine HP 681] itself, which is relied upon in the impugned judgment [Sukh Dutt Ratra v. State of H.P., 2013 SCC OnLine HP 3773] .*

23. *This Court, in Vidya Devi [Vidya Devi v. State of H.P., (2020) 2 SCC 569 : (2020) 1 SCC (Civ) 799] facing an almost identical set of facts and circumstances — rejected the contention of "oral" consent to be baseless and outlined the responsibility of the State : (SCC p. 574, para 12)*

> *"12.9. In a democratic polity governed by the rule of law, the State could not have deprived a citizen*

of their property without the sanction of law. Reliance is placed on the judgment of this Court in Tukaram Kana Joshi v. Maharashtra Industrial Development Corpn. [Tukaram Kana Joshi v. Maharashtra Industrial Development Corpn. (MIDC), (2013) 1 SCC 353 : (2013) 1 SCC (Civ) 491 : (2012) 13 SCR 29] wherein it was held that the State must comply with the procedure for acquisition, requisition, or any other permissible statutory mode. The State being a welfare State governed by the rule of law cannot arrogate to itself a status beyond what is provided by the Constitution.

12.10. This Court in State of Haryana v. Mukesh Kumar [State of Haryana v. Mukesh Kumar, (2011) 10 SCC 404 : (2012) 3 SCC (Civ) 769] held that the right to property is now considered to be not only a constitutional or statutory right, but also a human right. Human rights have been considered in the realm of individual rights such as right to shelter, livelihood, health, employment, etc. Human rights have gained a multi-faceted dimension."

24. *And with regard to the contention of delay and laches, this Court went on to hold : (Vidya Devi case [Vidya Devi v. State of H.P., (2020) 2 SCC 569 : (2020) 1 SCC (Civ) 799] , SCC pp. 574-75, para 12)*

"12.12. The contention advanced by the State of delay and laches of the appellant in moving the Court is also liable to be rejected. Delay and laches cannot be raised in a case of a continuing cause of action, or if the circumstances shock the judicial conscience of the Court. Condonation of delay is a matter of judicial discretion, which must be exercised judiciously and reasonably in the facts and circumstances of a case. It will depend upon the breach of fundamental rights, and the

remedy claimed, and when and how the delay arose. There is no period of limitation prescribed for the courts to exercise their constitutional jurisdiction to do substantial justice.

12.13. In a case where the demand for justice is so compelling, a constitutional court would exercise its jurisdiction with a view to promote justice, and not defeat it. [P.S. Sadasivaswamy v. State of T.N., (1975) 1 SCC 152 : 1975 SCC (L&S) 22] "

***25.** Concluding that the forcible dispossession of a person of their private property without following due process of law, was violative [Relying on Hindustan Petroleum Corpn. Ltd. v. Darius Shapur Chenai, (2005) 7 SCC 627 : 2005 Supp (3) SCR 388; N. Padmamma v. S. Ramakrishna Reddy, (2008) 15 SCC 517; Delhi Airtech Services (P) Ltd. v. State of U.P., (2011) 9 SCC 354 : (2011) 4 SCC (Civ) 673 : (2011) 12 SCR 191 and Jilubhai Nanbhai Khachar v. State of Gujarat, 1995 Supp (1) SCC 596 : 1994 Supp (1) SCR 807.] of both their human right, and constitutional right under Article 300-A, this Court allowed the appeal. We find that the approach taken by this Court in Vidya Devi [Vidya Devi v. State of H.P., (2020) 2 SCC 569 : (2020) 1 SCC (Civ) 799] is squarely applicable to the nearly identical facts before us in the present case."*

44. The contention of learned Counsel is that in case a private property is acquired by the State, the relief of grant of compensation cannot be declined on the ground of delay and laches.

45. The facts of the aforesaid case reveal that the land belonging to land owners Sukh Dutt Ratra and Bhagat Ram had been utilized by the State for the matter of construction of a road in 1972-73. However, no land acquisition proceedings were initiated nor compensation was paid to the land owners. It was only pursuant to a judgment of the Himachal Pradesh

High Court that the proceedings under the Land Acquisition Act, 1984 took place and an award was passed on 04.10.2005. The matter relating to grant of compensation finally reached the Hon'ble Supreme Court and the Hon'ble Supreme Court in the aforesaid case held that Right to Property was no longer a Fundamental Right, however, nobody could be deprived of liberty or property without due process or authorization of law, and delay and laches would not come in way in such a situation. There cannot be a limitation to doing justice.

46. The aforesaid case is certainly distinguishable on facts. It was a case of land owners who were not paid compensation as claimed by them and the principal of delay and laches was negativated by the Hon'ble Supreme Court.

47. In the present case, the Appellants have not been deprived of their right to property. There was only a proposal of allotment of land to the erstwhile Maharaja. The claim for allotment of land was made in the year 1952. A proposal for allotment by the Government of India was made in the year 1976, and the Maharaja and his legal heirs approached this Court only in the year 2002 for the first time. Therefore, the learned Single Judge was certainly justified in holding that the petition suffers from delay and laches as well as the fact that the judgment relied upon does not help the Appellants in any manner on the ground that it is distinguishable on facts.

48. The Appellants have also placed reliance upon ***Motilal Padampat Sugar Mills Co. Ltd. V. State of U.P.***, (1979) 2 SCC 409 on the issue of promissory estoppels. Paragraph 24 of the aforesaid judgment, as relied upon, reads as under:

"24. *This Court finally, after referring to the decision in the Ganges Manufacturing Co. v. Sourujmull, Municipal Corporation of the City of Bombay v. Secretary of State for India and Collector of Bombay v. Municipal Corporation of the City of Bombay summed up the position as follows:*

> *"Under our jurisprudence the Government is not exempt from liability to carry out the representation made by it as to its future conduct and it cannot on some undefined and undisclosed ground of necessity or expediency fail to carry out the promise solemnly made by it, nor claim to be the Judge of its own obligation to the citizen on an ex parte appraisement of the circumstances in which the obligation has arisen."*

The law may, therefore, now be taken to be settled as a result of this decision, that where the Government makes a promise knowing or intending that it would be acted on by the promisee and, in fact, the promisee, acting in reliance on it, alters his position, the Government would be held bound by the promise and the promise would be enforceable against the Government at the instance of the promisee, notwithstanding that there is no consideration for the promise and the promise is not recorded in the form of a formal contract as required by Article 299 of the Constitution. It is elementary that in a republic governed by the rule of law, no one, howsoever high or low, is above the law. Everyone is subject to the law as fully and completely as any other and the Government is no exception. It is indeed the pride of constitutional democracy and rule of law that the Government stands on the same footing as a private individual so far as the obligation of the law is concerned: the former is equally bound as the latter. It is indeed difficult to see on what principle can a Government, committed to the rule of law, claim immunity from the doctrine of promissory estoppel. Can the Government say that it is under no obligation to act in a manner that is fair and just or that it is not bound by considerations of "honesty and good faith"? Why should the Government not be held to a high "standard of rectangular rectitude while dealing with its citizens"? There was a time

when the doctrine of executive necessity was regarded as sufficient justification for the Government to repudiate even its contractual obligations; but, let it be said to the eternal glory of this Court, this doctrine was emphatically negatived in the Indo-Afghan Agencies case and the supremacy of the rule of law was established. It was laid down by this Court that the Government cannot claim to be immune from the applicability of the rule of promissory estoppel and repudiate a promise made by it on the ground that such promise may fetter its future executive action. If the Government does not want its freedom of executive action to be hampered or restricted, the Government need not make a promise knowing or intending that it would be acted on by the promisee and the promisee would alter his position relying upon it. But if the Government makes such a promise and the promisee acts in reliance upon it and alters his position, there is no reason why the Government should not be compelled to make good such promise like any other private individual. The law cannot acquire legitimacy and gain social acceptance unless it accords with the moral values of the society and the constant endeavour of the Courts and the legislature, must, therefore, be to close the gap between law and morality and bring about as near an approximation between the two as possible. The doctrine of promissory estoppel is a significant judicial contribution in that direction. But it is necessary to point out that since the docrine of promissory estoppel is an equitable doctrine, it must yield when the equity so requires. If it can be shown by the Government that having regard to the facts as they have transpired, it would be inequitable to hold the Government to the promise made by it, the Court would not raise an equity in favour of the promisee and enforce the promise against the Government. The doctrine of promissory estoppel would be displaced in such a case because, on the facts, equity would not require that the Government should be held bound by the promise made by it. When the Government is able to show that in view of the facts as have transpired since the making of the promise, public interest would be prejudiced if the Government were required to carry out the promise, the Court would have to balance the

public interest in the Government carrying out a promise made to a citizen which has induced the citizen to act upon it and alter his position and the public interest likely to suffer if the promise were required to be carried out by the Government and determine which way the equity lies. It would not be enough for the Government just to say that public interest requires that the Government should not be compelled to carry out the promise or that the public interest would suffer if the Government were required to honour it. The Government cannot, as Shah, J., pointed out in the Indo-Afghan Agencies case, claim to be exempt from the liability to carry out the promise "on some indefinite and undisclosed ground of necessity or expediency", nor can the Government claim to be the sole Judge of its liability and repudiate it "on an ex parte appraisement of the circumstances". If the Government wants to resist the liability, it will have to disclose to the Court what are the facts and circumstances on account of which the Government claims to be exempt from the liability and it would be for the Court to decide whether those facts and circumstances are such as to render it inequitable to enforce the liability against the Government. Mere claim of change of policy would not be sufficient to exonerate the Government from the liability: the Government would have to show what precisely is the changed policy and also its reason and justification so that the Court can judge for itself which way the public interest lies and what the equity of the case demands. It is only if the Court is satisfied, on proper and adequate material placed by the Government, that overriding public interest requires that the Government should not be held bound by the promise but should be free to act unfettered by it, that the Court would refuse to enforce the promise against the Government. The Court would not act on the mere ipse dixit of the Government, for it is the Court which has to decide and not the Government whether the Government should be held exempt from liability. This is the essence of the rule of law. The burden would be upon the Government to show that the public interest in the Government acting otherwise than in accordance with the promise is so overwhelming that it would be inequitable to hold

> *the Government bound by the promise and the Court would insist on a highly rigorous standard of proof in the discharge of this burden. But even where there is no such overriding public interest, it may still be competent to the Government to resile from the promise "on giving reasonable notice, which need not be a formal notice, giving the promisee a reasonable opportunity of resuming his position" provided of course it is possible for the promisee to restore status quo ante. If, however, the promisee cannot resume his position, the promise would become final and irrevocable. Vide Emmanuel Avodeji Ajaye v. Briscoe [(1964) 3 All ER 556 : (1964) 1 WLR 1326] ."*

49. This Court has carefully gone through the judgment and the same is yet again distinguishable on facts. There was only a proposal made on behalf of the Government of India subject to certain terms and conditions, and the then Maharaja was required to give his acceptance to the proposal within 15 days. The Maharaja has certainly not given any acceptance, nor was granted any exemption under the Urban Land (Ceiling and Regulation) Act, 1976 and, therefore, the judgment relied upon is again distinguishable on facts.

50. Learned Counsel for the Appellants has also relied upon a judgment delivered in the case of ***B.K. Ravichanda & Ors. V. Union of India***, (2020) SCC Online SC 950. The aforesaid judgment also relates to land acquisition proceedings and, in the present case, no such issue of land acquisition proceedings or denial of compensation is involved. In the present case, there was only a proposal to allot the land to Maharaja and the Maharaja did not offer any acceptance in terms of the proposal which was given to him in the year 1976 and, therefore, the judgment again does come to the aid of the Appellants in any manner.

51. Heavy reliance has also been place on the judgment delivered in the case of ***Union of India and Anr. V. Raja Mohammed Amir Mohammad Khan***, (2005) 8 SCC 696. The facts of the aforesaid case reveal that Raja Mohammed Amir Mohammad Khan is the son of the Raja of Mahmudabad in District Sitapur, Uttar Pradesh and, in December, 1957, the erstwhile Raja of Mahmudabad migrated to Pakistan and became a citizen of Pakistan. However, Raja Mohammed Amir Mohammad Khan and his mother Rani Kaniz Abdi continued to reside in India as Indian citizens. Under the provisions of Enemy Property (Custody and Registration) Order, 1965, the property of Raja Mohammed Amir Mohammad Khan's father in India was vested in the Custodian of Enemy Property and after the enactment of the Enemy Property Act, 1968 by virtue of Section 24 thereof, the property continued to be vested in the custodian.

52. In 1973, the Raja died in London and his son, who had been born in India and was an Indian citizen, raised a claim in respect of the property. The Hon'ble Supreme Court held that Raja Mohammed Amir Mohammad Khan was an Indian and the property belonging to an Indian could not be termed as enemy property. In the present case, no such controversy is involved. The present case is purely a case of a claim by the erstwhile Maharaja/ his legal heirs for allotment of a piece of land in Delhi. There was no allotment order issued in favour of the Appellants at any point of time. It was only a proposal made by the Government subject to certain terms and conditions and, therefore, the judgment is distinguishable on facts.

53. Heavy reliance has also been placed on ***Grahak Sanstha Manch v. State of Maharashtra***, (1994) 4 SCC 192. In the aforesaid case, the

accommodation of a residential building was requisitioned by an order dated 09.04.1951 by the State Government in exercise of powers conferred under Section 6(4)(a) of the Bombay Land Acquisition Act, 1948. The said flat was allotted to a person, namely H.D. Vohra, and the requisition order was challenged. The Hon'ble Supreme Court held that an order of requisition could not continue beyond a reasonable period. It would depend on the facts and circumstances, and continuance for a period as long as 30 years would be unreasonable. In the present case, no such contingency is involved and the judgment delivered is certainly not at all helpful to the Appellants. The facts of the present case, as already stated earlier, are distinguishable, there is no requisition in the present case, there is no allotment, and there was only a proposal by the Government of India in 1976. Further, the petitions were filed after an inordinate delay.

54. Reliance has also been placed on ***Jilubhai Nanbhai Khachar v. State of Gujarat***, 1995 Supp (1) 596, and it has been argued that keeping in view Article 300-A Right to Property, a person could not be deprived of the constitutional right guaranteed to him. In the present case, as per the Instrument of Merger, the Maharaja became the exclusive owner of certain properties as mentioned in the Schedule. It is certainly not a case where the Appellants are deprived of their right to property as argued before this Court and, therefore, the aforesaid judgment does not help the Appellant in any manner.

55. Reliance has also been placed upon ***Talat Fatima Hasan v. Syed Murtaza***, (2020) 15 SCC 655. This Court has carefully gone through the aforesaid judgment and, in the aforesaid case, no such controversy was

involved. It was certainly not a case of allotment of land and it was a case where Nawab of Rampur had created a trust in favour of his family members and the matter related to the succession of rulership/ gaddi. The Hon'ble Supreme Court held therein that the Ruler in question was a Shia Muslim, and the Trial Court was directed to divide the property as per Muslim Personal Law (Shariat) Application Act, 1937 as applicable to Shia Muslims. This Court is of the considered opinion that the aforesaid judgment, in no way, helps the Appellants in any manner.

56. The Appellants have placed reliance upon a judgment delivered in ***Pioneer Urban Land and Infrastructure Limited and Another v. Union of India and Others***, (2019) 8 SCC 416, and it has been argued that the proposal made by the Government of India would mean to be a deemed allotment. In the considered opinion of this Court, by no stretch of imagination, would the language of the proposal make it to be a deemed allotment in favour of the erstwhile Maharaja. The proposal made by the Government of India makes it very clear that it was subject to certain terms and conditions, and the Maharaja did not fulfill the terms and conditions as per the proposal within 15 days.

57. Learned Counsel has also placed heavy reliance upon the judgment delivered in ***M/s. Motilal Padampat Sugar Mills Co. Ltd. V. State of Uttar Pradesh and Others***, (1979) 2 SCC 409, on the issue of promissory estoppels and it has been argued that the Respondents are bound by the Principle of Promissory Estoppel to allot an alternate plot in Delhi. The Doctrine of Promissory Estoppel cannot be made applicable in the facts and circumstances of the present case. In respect of the so-called portion of

Baroda House and Sirmoor Plot, the Maharaja was allotted Nararbagh Palace and he vacated the portion of the Baroda House which he was occupying. The Maharaja, right from 1952, continued with his representations for allotment of a plot in Delhi and a proposal was certainly made in the year 1976 to allot a plot, subject to the provisions as contained under the Urban Land (Ceiling and Regulation) Act, 1976. Therefore, as it was a conditional proposal, the Appellants cannot raise a plea of Promissory Estoppel as raised in the present matter and the judgment does not help the Appellants in any manner.

58. The Appellants have also relied upon a judgment delivered in the ***Union of India and Others v. Godfrey Philips India Ltd***, (1985) 4SCC 369, again on the issue of Promissory Estoppel. However, in the present case, there was no unqualified promise on the part of the Government of India to allot the plot to the Maharaja and it was only a proposal subject to certain terms and conditions.

59. This Court has carefully gone through all the material documents on record as well as all the judgments relied upon, and is of the considered opinion that the Maharaja/ legal heirs of the Maharaja are not at all entitled to an allotment of a plot as claimed by them. The offer made to the Maharaja in 1976 was not responded in terms of the offer and he was suffering a disqualification for allotment of plot keeping in view the Urban Land (Ceiling and Regulation) Act, 1976.

60. The legal heirs of the Maharaja were allotted the house in 1980, i.e. 7, Safdarjung Lane in his capacity as Member of the Parliament. He remained Member of the Parliament till 27.11.1989 and the allotment was cancelled

on 27.12.1989. Maharaja Ranjit Singh did not vacate the said house. Eviction proceedings were initiated and finally eviction order was passed on 28.11.2001.

61. This Court does not find any reason to interfere with the order of eviction. Neither the Maharaja Ranjit Singh nor the legal heirs are entitled to continue indefinitely in a Government accommodation and no statutory provision of law has been brought to the notice of this Court which entitles the Maharaja or his legal heirs to continue in a Government accommodation indefinitely or for allotment of plot in Delhi. This Court does not find any reason to interfere with the order passed by the learned Single Judge and the writ petitions were rightly dismissed on merit as well as on the ground of delay and laches.

62. Resultantly, the instant LPAs are also dismissed.

(SATISH CHANDRA SHARMA)
CHIEF JUSTICE

(SUBRAMONIUM PRASAD)
JUDGE

OCTOBER 06, 2022
N.Khanna