

JAGE RAM AND ORS. ETC.

A

v.

UNION OF INDIA AND ORS.

NOVEMBER 9, 1995

[K. RAMASWAMY AND S. SAGHIR AHMAD, JJ.]

B

*Land Acquisition Act, 1894 :*

*Land acquisition—Allotment of alternative sites—Depends upon purpose of acquisition—Acquisition for defence purpose—Displaced persons held not entitled to alternative sites.*

C

Petitioners' lands were acquired for defence purpose viz. establishment of Radar for which due compensation was paid to them. It was contended on their behalf that since they have been displaced from their holdings, they need some site for construction of their houses and that, therefore, the Government of India may make an effort to provide them alternative sites.

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Dismissing the petitions, this Court

**HELD :** Since the acquisition is only for defence purpose and if the request is acceded to, it would create innumerable complications, the court is constrained not to accede to the argument for alternative sites. [50-D]

E

*State of U.P. v. Pista Devi, [1986] 4 SCC 251, distinguished.*

CIVIL ORIGINAL JURISDICTION : Writ Petition (C) No. 1511 of 1987 Etc.

F

(Under Article 32 of the Constitution of India.)

R.P. Gupta for the Petitioners.

G

M.P. Shorawala for the Respondents.

The following Order of the Court was delivered :

The only question raised in these two writ petitions is whether an observation is to be made by this Court to the effect that the petitioners

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- A would be entitled to allotment of alternative sites by the Delhi Development Authority. It is true that the lands of the petitioners were acquired for a defence purpose, viz., establishment of Radar. They were duly paid the compensation demanded of. One of the reliefs sought in the writ petitions is that since they have been displaced from their holdings, they need some site for construction of their houses and that, therefore, the
- B Government of India may make an effort to provide them alternative sites. We are aware of the decision rendered by this Court in *State of U.P. v. Pista Devi*, [1986] 4 SCC 251 at 260. But it depends upon the acquisition for which it was made. In that case, acquisition related to planned development of housing scheme by Meerut Development Authority. Therefore,
- C though no scheme was made providing alternative sites to those displaced persons whose lands were acquired and who themselves needed housing accommodations, a direction was given to the Meerut Development Authority to provide alternative sites for their housing purpose. Since the acquisition is only for defence purpose and if the request is acceded to, it
- D would create innumerable complications, we are constrained not to accede to forceful persuasive argument addressed by Mr. R.P. Gupta, learned counsel for the petitioners.

The writ petitions are accordingly dismissed. No costs.

T.N.A.

Petitions dismissed.