

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

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Date of Decision: 24.05.2013

+ W.P. (C) No.3508/2013

RAMESH CHAND

..... Petitioner

Through: Mr. N.S. Dalal, Advocate

versus

LAND & BUILDING DEPARTMENT

..... Respondent

Through: Mr. Sanjiv Sahay, Adv.

AND

+ W.P. (C) No.3509/2013

HIRA SINGH CHAUHAN

..... Petitioner

Through: Mr. N.S. Dalal, Advocate

versus

LAND & BUILDING DEPARTMENT

..... Respondent

Through: Mr. Sanjiv Sahay, Adv.

CORAM:

HON'BLE MR. JUSTICE V.K.JAIN

JUDGMENT

V.K.JAIN, J. (ORAL)

Notice. Mr Sanjiv Sahay accepts notice on behalf of the respondent. With the consent of the parties, both these petitions are taken up for final disposal.

The case of the petitioner in CWP No. 3509/2013 is that the land of his father in village Madan Pur Khadar was acquired vide Award No. 3/98-99.

Pursuant to the said acquisition, the petitioner claims to have applied for allotment of an alternative plot in terms of the scheme for Large Scale Acquisition Development and Disposal of Land in Delhi, notified by Government of India vide its letter dated 02.05.1961. According to the petitioner, the aforesaid application was made by him sometime in the year 2000 and was given File No. 32(39) 2/00/L&B/Alt. According to petitioner, his father expired and the death certificate was submitted by him to the respondent vide his letter dated 11.07.2012 which was duly received on 16.07.2012. The grievance of the petitioner is that no recommendation has so far been made to DDA for allotment of an alternative plot to him.

2. The grievance of the petitioner in CWP No. 3508/2013 is that the land of his father Bhule Ram in village Madan Pur Khadar was acquired vide Award No. 3/98-99. Pursuant to the said acquisition, the petitioner claims to have applied for allotment of an alternative plot in terms of the Scheme for Large Scale Acquisition Development and Disposal of Land in Delhi, notified by Government of India vide its letter dated 02.05.1961. According to the petitioner, the aforesaid application was made by him in the year 2000 and was given File No. 32(39) 3/00/L&B/Alt.

3. The writ petitions do not disclose how the petitioner alone is entitled to allotment of an alternative plot in respect of the land which belonged to their father. There is no averment in either writ petition that the petitioner is the sole legal heir

of his father or that the other legal heirs of the father of the petitioner had relinquished their rights in respect of the alternative allotment in favour of the petitioner. Therefore, it would be necessary for the respondents to examine all these issues before taking up the applications stated to have been submitted by the petitioners in these writ petitions for allotment of alternative plot. If, on a careful examination of the matter and obtaining such documents as they may deem appropriate in this regard, the respondents find that the land of the father of the petitioner in CWP No. 3508/2013 and/or the land of the father of the petitioner in CWP No. 3509/2013 was acquired, as stated in the said writ petitions, and are further satisfied that the petitioner in CWP No. 3508/2013 and/or the petitioner in CWP No. 3509/2013 are solely entitled to alternative allotments in respect of the land alleged to have been acquired by the Government and further they also find that the case of the petitioner in CWP No.3509/2013 and/or the petitioner in CWP No. 3508/2013 has already matured for consideration but the scrutiny of the application has not been undertaken, the same shall be carried out and completed within a period of eight weeks from today and the objections, if any, shall be communicated to the concerned petitioner within four weeks thereafter. Deficiency, if any, shall be removed by the concerned petitioner within four weeks of receipt of communication in this regard from the respondent. Appropriate decision on the application of the petitioner for allotment of alternative plot shall be taken within

eight weeks of the petitioner removing the further deficiencies, if any, and will thereafter be communicated to him by the respondent - Government of NCT of Delhi. In cases where the applications have not so far been matured for consideration, scrutiny of the applications would be taken up only when such applications matures for consideration at its turn. Thereafter, the scrutiny will be completed within a period of eight weeks from the date it is taken up and the objections, if any, shall be communicated to the concerned person within eight weeks thereafter. Deficiency, if any, shall be removed by the concerned person within four weeks of receipt of communication in this regard from the respondent. Appropriate decision on the application for allotment of alternative plot shall be taken within four weeks of the removal of the deficiencies, if any, and will thereafter be communicated to the person concerned by the respondent-Government of NCT of Delhi.

4. It is made clear to the respondents that wherever this Court, by way of earlier orders passed in other writ petitions, has directed the respondents to take up scrutiny of the application for alternative allotment against acquisition of the land and the land acquired by the Government was not owned by the petitioner before this Court, but was owned by his/their father or some other relative, the respondent Land & Building Department of Government of NCT of Delhi shall take up scrutiny of the applications for alternative allotment at its turn only after satisfying

itself, on obtaining requisite documents in this regard and making such inquiries, as it may deem appropriate, that the petitioner(s) before this Court alone is/are entitled to allotment of an alternative plot against the acquired land of his/their father/relative.

It is also directed that in all the cases where recommendations for allotment of alternative plots under the Large Scale Acquisition Development and Disposal of Land in Delhi is made, the recommendation letter shall be handed over personally to the recommendee, after verifying his address and identity.

One copy of this order be sent to Principal Secretary, Land & Building, Government of NCT of Delhi, within two days, for information and strict compliance in all the cases.

Both the writ petitions stand disposed of in terms of this order.

V.K. JAIN, J

MAY 24, 2013

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