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HIGH COURT OF DELHI AT NEW DELHI

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C.R.P. No.121/2013

Decided on: 22nd September, 2015

SHRI SATISH KUMAR TIWARI Petitioner
Through: Mr. Vijay Sharma, Advocate.

Versus

DDA AND ORS. Respondents
Through: Mr. Rajiv Bansal, Advocate with
Mr. Siddharth Gupta, Advocate,
Mr. Ankit Gupta, Adv. &
Ms. Arpita, Advocate

CORAM:

HON'BLE MR. JUSTICE V.K. SHALI

V.K. SHALI, J. (ORAL)

1. This is a revision petition filed by the petitioner against the order dated 12.04.2013 by virtue of which the objection of the decree holder for allotment of an alternative plot at Gandhi Vihar was rejected.
2. In order to appreciate the submission made by the learned counsel for the petitioner, it would be pertinent to give brief background of the case. The petitioner is an evictee of a plot in Hudson Lane under the Rehabilitation Scheme. The petitioner is claiming to be an allottee of 25 sq. yds. of land at Gandhi Vihar. The petitioner

had got an order from the Court for allotment of this 25 sq. yds. of land at Gandhi Vihar from the Court of Additional District Judge against the DDA. Since plot was not allotted to him in Gandhi Vihar, he was constrained to file an execution petition.

3. The respondent-judgment debtor had taken the stand in the execution petition that they can offer a plot to the petitioner only in Bawana Residential Area, Narela, which was not acceptable to the petitioner. Petitioner has raised an objection before the Executing Court that Plot No.522, which is also plot No.C-32, Gopal Pur, Gandhi Vihar was lying vacant and that was not being deliberately allotted to the decree holder. The respondent-JD took the plea that the aforesaid Plot C-32, was already in possession of one Smt. Kanta Jain and Smt. Shivani Jain.
4. The learned Executing Court had perused the judgment dated 03.12.2009 passed by the learned ADJ by virtue of which the petitioner-DH was held to be entitled to 25 sq. yds. of land. It was observed by the Executing Court that in the judgment there was no observation that the alternative allotment of 25 sq. yds. Of land was to be made to the petitioner in Gopal Pur or in its vicinity and

therefore, the objections of the petitioner-decree holder were dismissed.

5. Feeling aggrieved, the petitioner had preferred the present revision petition in this Court in the year 2013 which has been kept on pending for almost last two years. Before this Court also, the learned counsel for the DDA-JD had made a statement that the only alternative plots which are available for allotment to the petitioner are in Block-L, Group-2, Sector G-8, Narela Residential Scheme and as a matter of fact, the petitioner was given an option to select any of the plots from Plot No. 5 to 37 and thus, there was wide range of 32 plots which were offered for selection to the petitioner-decree holder. It was observed by order dated 20.04.2015 that the petitioner should exercise the choice of one plot amongst all these plots within a period of one month. Although more than five months have gone by and the case is listed today, the petitioner has not selected any plot out of 32 plots which were offered by the respondent-judgment debtor to the petitioner in terms of the orders of the Court.
6. The learned counsel for the petitioner before this Court had also once again contested since his plot which was acquired by the

respondent-judgment debtor was Hudson Lane, therefore, he was entitled to a plot of land in Gandhi Vihar. It was contended by him that some responsible officer of the respondent be directed to file an Affidavit that they have no alternative plot available to them either in the Rohini or in Gandhi Vihar or in the immediate vicinity of his plot which was acquired.

7. I have considered the submission made by the learned counsel for the petitioner. I am of the considered view that the order which has been passed by the learned Court below which has been impugned in the present revision petition does not suffer from any jurisdictional error, material irregularity or illegality. The question involved in the instant matter is allotment of an alternative plot to the petitioner in terms of the orders of the Court. The learned ADJ while holding that the petitioner is entitled to a plot of land measuring 25 sq. yds. of land nowhere observed that the said land is to be allotted to the petitioner in a specific area in the immediate vicinity to the land where his land was acquired or wherefrom he was evicted. The land is very scarce in Delhi and if the respondent-DDA, because of the direction passed by the Court is able to offer the whole range of plots to the petitioner in a

residential scheme in Narela, he should have been forth coming in accepting one of them. The contention of the learned counsel for the petitioner that Narela is not safe or that essential amenities are not provided in the locality where the plot is being allotted to him are lame excuses raised by the petitioner only to avoid the allotment of a plot in an area where it is being offered to the petitioner.

8. I do not find that there is any illegality or jurisdictional error or impropriety in passing the order by the learned Executing Court rejecting these frivolous objections of the petitioner. The present revision petition is without any merit and the same is dismissed. As a matter of fact, I have not gone into the question of very maintainability of the revision petition itself which I have a serious doubt whether it can be entertained against the impugned order. Dismissed.

V.K. SHALI, J.

SEPTEMBER 22, 2015

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