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

+ W.P.(C) 572/2015

HARI SINGH SAINI

..... Petitioner

Through Mr. Sandeep Bajaj, Adv.

versus

GOVT. OF NCT OF DELHI

..... Respondent

Through Mr. Puneet Aggarwal and Ms.
Dalveer Kaur, Advs.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **07.09.2016**

The petitioner before this Court has impugned the order dated 19.06.2014 vide which his application seeking allotment of an alternate plot had been dismissed for the reason that since the petitioner already owned a share in an urbanized property i.e. property bearing No. 2471, Kakikat Rai Marg, Chatta Jam Beg, Darya Ganj, New Delhi, he could not be considered for allotment of an alternate plot.

Record shows that a Notification qua the land of the father of the petitioner was issued on 30.10.1963. The father of the petitioner expired on 13.04.1972. The award is dated 19.09.1986. The petitioner had applied for allotment of an alternate plot in lieu of this acquired land vide his application dated 25.09.1986. This application was filed by the petitioner himself. At that time, there was no intimation given by the petitioner that pursuant to a will of his father

(dated 10.05.1971), the share in the aforementioned property at Darya Ganj had been bequeathed by his father Panna Lal to his sister and he did not have any share in this property. This fact had surfaced only in the year 2013; admittedly the mutation qua this property (Darya Ganj) in favour of the sister of the petitioner (Suman Lata) was also done on 25.11.2013. Vehement contention of the petitioner is that this fact was earlier not brought to the notice of the Department as it was not required to be done so.

This Court is not in agreement with this submission of the learned counsel for the petitioner. Admittedly it was the petitioner himself who had applied for allotment of an alternate plot qua the share of his father and which was on 25.09.1998. The father of the petitioner had died on 13.04.1972. The purported will dated 10.05.1971 by virtue of which the share of the petitioner had been bequeathed to his sister by his deceased father Panna Lal was much prior in time. Had this been a correct and true fact, this would have been brought to the notice of the Revenue Authorities at the time when the petitioner had made an application for an alternate plot. Submission of the respondent that this Will had surfaced in the year 2013 and is an inter-se document created by the siblings to build up a right in favour of the petitioner is an argument which cannot be ruled out; this is also substantiated by the fact that the mutation of this property effected in the name of the sister of the petitioner (Suman Lata) was on 25.11.2013. The sister of the petitioner waited for more than 43 years to get the record set right. This also appears to have been done to build up a case qua the petitioner. Had this been the real

factual position, the petitioner would have honestly produced the Will of his father before the Competent Authority stating that he had no share in any other property and especially in view of the fact that the application form required to be submitted by an applicant seeking allotment of an alternate plot necessarily mandated that the applicant must state that he has no other property in his name. At the cost of repetition, the submission of the petitioner appears to be incorrect; had it been an honest position, the share of the petitioner which he had admittedly acquired by way of inheritance on the death of his father on 13.04.1971 but the same having been bequeathed to his sister in terms of the Will dated 10.05.1971 would have been brought to the notice of the Revenue Authorities. This not having done till the year 2013 (up to 43 years) clearly creates a suspicion that this document (Will) is not an honest document.

In this background, the rejection letter dated 19.06.2014 rejecting the prayer of the petitioner for an alternate plot is a communication which suffers from no infirmity. Petition is without any merit. Dismissed.

INDERMEET KAUR, J

SEPTEMBER 07, 2016

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