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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 758/2015

KRISHAN KUMAR AGGARWAL

..... Petitioner

Through Mr.N.S.Dalal , Advocate.

versus

LAND & BUILDING DEPARTMENT

..... Respondent

Through Mr.Yeeshu Jain and Ms.Jyoti Tyagi,
Advocates.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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05.08.2016

The petitioner before this Court had been served a rejection letter dated 05.09.2014 rejecting his plea for alternate plot on the ground that the petitioner/applicant had an urbanized property bearing No. 2099/1, Nai Basti, Anaj Mandi, Narela, Delhi and hence the case of the petitioner could not be considered.

The petitioner before this Court is Krishan Kumar Aggarwal. His contention is that the Award dated 19.12.1997 was passed in which the land of mother of the petitioner (village Shahpur Garhi, New Delhi) had been acquired. On 01.06.1999, the mother of the petitioner had filed an application for alternate plot. She had completed all formalities. Her case was being considered. On 26.6.2010 his mother had expired. Vide a letter dated 25.6.2013 in the name of the mother of the petitioner, it was asked to submit

documents. In compliance of the said letter, on 18.7.2013 the petitioner (Krishan Kumar Aggarwal) submitted the requisite documents. A query qua a government accommodation i.e. Flat No. 6, Laxmi Bai Nagar, Market, was sought by the Department from the petitioner wherein it was informed to the Department that this was a Government accommodation; whether he was living there and this Laxmi Bai Nagar flat was not owned either by him or her by wife husband. Further documents were also sought for from the petitioner. However on 05.09.2014, the aforementioned communication was received by the petitioner informing him that since he has a property in Nai Basti, Anaj Mandi, Narela, his application could not be considered for an alternate plot.

The rejection letter was primarily on the ground that the petitioner had property No. 2099/1, Nai Basti, Anaj Mandi, Narela, Delhi. The fact the petitioner owns a portion of this property is not in dispute. He admittedly is the co-owner of this property. In this view of the matter, the rejection letter having rejected the claim of the petitioner on this ground suffers from no infirmity.

At this stage, a second argument has been canvassed by the learned counsel for the petitioner which is to the effect that this embargo would not apply if the residential house of the petitioner is located in an urbanized area as is so in the instant case. Attention has again been drawn to clause 3 (noted supra) of the aforementioned scheme. Submission being that there is difference between the old policy and new policy and the new policy only envisages that residential plot/flat should not be in a part of village abadi and since the property in

question owned by the petitioner is urbanized land, this clause would not be attracted.

At the cost of repetition, this is not the object of the policy. The object of the policy whether it was old or new was the same. The whole object of this policy was to provide succour to those persons who were completely landless or not having any house to live in; it would be for those persons only whose land in complete entirety had been acquired and thus did not have any shelter. The persons who were owning alternate accommodations or who had residential covers over their head were not entitled to alternate plots. If the residential cover was in an urbanized area, it would not wash away the hurdle envisaged in the scheme and would not (as has been argued by the learned counsel for the petitioner) entitle the petitioner for consideration of an alternate plot. This would also be against the ratio of the judgment delivered by the Apex Court in Delhi Administration Vs. Jai Singh Kanwar in C.A. No.8289/2010 decided on 14.09.2011.

This argument of the learned counsel for the petitioner is also without any merit. Dismissed.

INDERMEET KAUR, J

AUGUST 05, 2016

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