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IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(C) 5769/2013

RAM KAUR

..... Petitioner

Through Mr. Sanjay Singh, Adv.

versus

GOVT OF NCT OF DELHI

..... Respondent

Through Mr. Rohan Lal Goel, Adv for
GNCTD.

Mr. Rishikesh Kumar, ASC and Mr.
Premsagar Pal, Adv for R-2.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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14.09.2016

File taken up today as 13.9.2016 was declared holiday.

The petitioner is aggrieved by the letter of rejection dated 09.05.2013 wherein the application of the petitioner seeking allotment of an alternate plot had been rejected. This letter had communicated to the petitioner that he will have balance land left and in view of the ratio of the judgment of Jai Singh Kanwar in C.A. No.8289/2010 delivered on 14.09.2011, since the entire land of the petitioner had not been acquired in its entirety, the case of the petitioner stood rejected.

The averments in the writ petition disclose that the petitioner had land in village Kakrola which was acquired vide Award No1/93-94. Compensation of Rs.6,22,093/- was paid to the petitioner on 24.09.1993. He had an application seeking allotment of an alternate

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plot within the prescribed limit of one year i.e. in the year 1994. Record further evidences that the Tehsildar in reply to a query raised by the petitioner had sent a letter dated 02.07.2013 to the petitioner, Dwarka informing him about the status of the land in khasras No. 195/29 and 195/30. It was stated that this land was in the extended abadi of village Kakrola. The submission of the petitioner on this score being that although admittedly he has land in khasra No. 195/29 (1 bigha and 3 biswas) as also in khasra No. 195/30 (1 bigha and 4 biswas) but this land falls within the extended abadi of village Kakrola and this balanced land would thus not disqualify for allotment in the scheme set up by the Government for rehabilitation. This submission is noted but is negatived. The stand of the Department in its counter affidavit is also to the effect that since the petitioner still had balance land left in khasras No. 195/29 & 195/30, the petitioner was not entitled to allotment of an alternate plot.

This Court is of the view that the judgment of Jai Singh Kanwar (supra) is fully applicable to the facts in hand. Whether the land falls in the extended abadi of village Kakrola or not would be of little consequence as the object of the Policy has to be kept in mind before considering the prayer of the petitioner. The Recommending Committee had rightly noted that since the petitioner did have balance land left, he was not entitled to an alternate plot.

Para 6 of the judgment of Jai Singh Kanwar is relevant in this context. It reads herein as under:-

“The object of the Scheme is that when the land owned by a person is taken away in entirety and he is left without any house or

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plot, he should be allotted a plot. The Scheme therefore provided that only a person who does not own a house / residential plot / flat will be entitled to apply."

Since the entire land of the petitioner was not acquired; he still having balance land left; the object of the scheme being to provide succour to those persons whose land had been acquired in entirety and had no shelter left over their heads; the case of the petitioner clearly does not fall into this category.

The rejection letter in this background suffers from no infirmity. Petition is without any merit. Dismissed.

INDERMEET KAUR, J

SEPTEMBER 14, 2016

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