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

\+ W.P.(C) 5691/2014 & C.M. No.14065/2014

PYARE LAL (DECEASED) THROUGH LRS

..... Petitioner

Through Mr.Vikas Mehta, Mr.Rajat Sehgal and Mr.Karandeep Khanna, Advocates.

versus

GOVT OF NCT OF DELHI & ORS. ..... Respondents

Through Mr. Siddharth Panda and Mr. Priyabrat Sahu, Advs for L & B Department.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% 14.09.2016

File taken up today as 13.9.2016 was declared holiday.

The petitioner is aggrieved by the communication dated 05.3.2014 vide which his application seeking allotment of an alternate plot in lieu of his acquired land had been rejected. The rejection letter had quoted the judgment of the Apex Court reported in *Delhi Administration Vs. Jai Singh Kanwar* decided on 14.09.2015 in C.A. No. 8289/2010 holding that since the entire land of the petitioner had not been acquired, he was not entitled to allotment of an alternate plot.

Contention is that the judgment of *Jai Singh Kanwar* has been wrongly applied. The Scheme does not envisage a situation that until and unless the entire land of the party has been

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acquired, he is not entitled to be considered for an alternate plot. Additional submission is that the alternate plots had been granted to other persons which is also discriminatory.

Counter affidavit filed by the respondent states that the respondent received a report from the LAC which indicated that in Village Dhoolsiras out of 48 bighas 19 biswas of land, only 31 bighas and 17 biswa of land has been acquired. The land (unacquired) left out is 17 bighas 2 biswas in which the petitioner is having full share. Thus the land of the petitioner not having been acquired in its entirety, the ratio of the aforenoted judgment (*Jai Singh Kanwar*) would apply.

Record substantiates this submission. The petitioner has himself in his petition stated that the total land in village Dhoolsiras was 48 bighas and 19 biswas. 31 bighas and 17 biswa of land has been acquired. The remaining land is 17 bighas 2 biswas.

Second submission of the petitioner that a relative of the petition had been granted an alternate plot again does not come to the rescue of the petitioner as admittedly even if a plot was considered in favour of the relative of the petitioner, it was prior to the judgment of *Jai Singh Kanwar* pronounced on 14.09.2011. This submission is admitted and has not been controverted.

The admitted fact thus is that the entire land of the petitioner had not been acquired. The balance land left with the petitioner was 17 bighas 2 biswas. The judgment of *Jai Singh Kanwar* noted supra would be fully applicable.

Para 6 of the judgment is relevant. 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 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."

The object of the Policy (whether old policy of the year 1961 or the new policy of the year 1986) was to provide succour to those persons who were left completely landless/homeless on the acquisition of the land; they did not have any house to live in. An alternate plot was envisaged for such persons whose land had been acquired in its complete entirety and they did not have any shelter. Those who had alternate covers i.e. roofs over their heads, were not entitled to an alternate plot.

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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