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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 6530/2014

KISHAN

..... Petitioner

Through Mr. Pawan Sharma, Adv.

versus

DELHI DEVELOPMENT AUTHORITY

..... Respondent

Through Mr. Kush Sharma, Adv. for the DDA
Ms. Deepika, Adv for R-2.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **24.10.2016**

The petitioner is aggrieved by the letter dated 15.04.2014 vide which his application seeking allotment of an alternate plot had been rejected for the reason that he still had excess land with him and applying the ratio of *Delhi Administration Vs. Jai Singh Kanwar* in Civil Appeal No.8289 of 2010 decided on 14.9.2011, the case of the petitioner stood rejected.

Record shows that the land of the petitioner had been acquired vide a Notification dated 13.12.2000. The Award was pronounced on 24.10.2002. The petitioner was awarded compensation. He had made application seeking allotment of an alternate plot on 28.04.2003. This application was admittedly within time. On 15.04.2014, he received intimation that since he still had balanced land with him, his case could not be considered for allotment of an alternate plot. The fact that the petitioner had balanced land left with him is not in dispute. This is admitted even today before this Court on a specific query put to the learned counsel for the petitioner.

Record shows that the land of the petitioner was 78 bigha and 11 biswas forming a part of village Dhoolsirsa. 73 bigha and 12 biswas alone was acquired. The entire land of the petitioner was not acquired. He still had balanced land to the tune of almost 5 bigha left with him. This fact is admitted. Noting the ratio of the judgment of Jai Singh Kanwar (supra) which was to the following effect:-

“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.”

This Court is of the view that the impugned letter suffers from no infirmity as the petitioner still had balanced land. The object of the policy for alternate allotment was to provide succour to those persons who had become homeless or landless; it was not for those persons who already have a roof over their heads. Since the petitioner had 5 bigha of land left with him, the presumption is that he had a roof over his head and thus he did not fit within the object of this policy for which it was formulated. The impugned letter suffers from no infirmity.

Petition is without any merit. Dismissed.

INDERMEET KAUR, J

OCTOBER 24, 2016

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