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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 6130/2014**
JAI PAL SINGH

..... Petitioner

Through None.

versus

LAND & BUILDING DEPARTMENT

..... Respondent

Through Mr. Yeeshu Jain, Adv.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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06.09.2016

Rejoinder has not been filed. The averments in the writ petition disclose that the land of the petitioner was acquired in 1972-73 by Award bearing No.80E/70-71 in Village Mehrauli. The petitioner was held entitled to compensation of his share which was awarded to him on 27.05.2002. In the same year, he had applied for an alternate plot. Vide communication dated 07.08.2014, his application seeking allotment of an alternate plot was rejected. This communication shows that out of 22 bigha and 11 biswas of land held by the petitioner, only 19 bigha and 19 biswas had been acquired. In view of the ratio of the judgment of *Delhi Administration Vs. Jai Singh Kanwar* delivered by the Apex Court on 14.09.2011 in C.A. No.8289/2010, the case of the applicant was accordingly rejected.

None has appeared for the petitioner. Learned counsel for the respondent submits that the ratio of the aforementioned judgment would be

fully applicable to the facts of the instant case as there is no dispute to this factum as inspite of opportunities, even rejoinder has not been filed to rebut this stand which has been adopted by the respondent in its counter affidavit. Learned counsel for the respondent has placed reliance on para 6 of the aforementioned judgment which 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.”

Since the entire land of the petitioner has not been acquired, the ratio of the judgment Jai Singh Kanwar would be fully applicable and as such the rejection letter suffers from no infirmity.

Petition is without any merit. Dismissed.

At this stage, Mr. I.S. Dahiya, Advocate for the petitioner has appeared and he has been apprised of the order passed today.

INDERMEET KAUR, J

SEPTEMBER 06, 2016

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