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

+ **W.P.(C) 7263/2013**

RASHMI

..... Petitioner

Through: Mr. Sanjay Verma, Adv.

versus

GOVT. OF NCT & ANR

..... Respondents

Through: Mr. Puneet Agrawal, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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19.05.2016

By this writ petition under Article 226 of the Constitution of India, petitioner has challenged the order dated 1st July, 2013 passed by the respondent no. 2, whereby application of the petitioner for allotment of alternative plots has been rejected, on the ground that land of the petitioner was not acquired in entirety. Reliance has been placed on the order dated 14th September, 2011 passed by the Supreme Court in Civil Appeal No. 8289/2010 titled Delhi Development Authority vs. Jai Singh Kanwar & Ors.

In Jai Singh Kanwar (Supra), it has been held as under :-

“In the circumstances, the fundamental requirement for making an application was absent. 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 house/residential plot/flat will be entitled to apply.”

By following the Jai Singh Kanwar (Supra), a bench of coordinate jurisdiction, vide order dated 21st January, 2014 passed in W.P. (C) 431/2014 titled Rajender Singh vs. Govt. of NCT of Delhi & Ors. has taken a similar view. In the said case land of the appellant was not acquired in entirety, therefore, application for allotment of alternative plot in lieu of acquired land was rejected.

In Govt. of NCT of Delhi vs. Jagdish Singh 192 (2012) Delhi Law Times 368 (DB), it has been observed thus “we have to keep in mind that the purpose of the scheme for allotment of alternate plot is to give succour for those persons whose lands were acquired and on this deprivation; they become homeless or need house in this city”.

In this case, no material has been placed on record by the petitioner to indicate that his land in entirety was acquired. During the course of arguments, learned counsel for the petitioner has admitted that petitioner was having land in two khasras which were acquired and in one khasra, 1 bigha 3.5 biswas land had remained unacquired. Petitioner, thus, possesses 1 bigha and 3.5 biswas land. Accordingly, petitioner’s case is squarely covered by Jai Singh Kanwar (Supra).

Contention of the learned counsel for the petitioner that his cousin

Shri Mehar Singh was allotted alternative plot, in lieu of acquired land even though some portion of the land was left from acquisition. In my view, this argument has no force since the said allotment was made prior to the law laid down by the Supreme Court in Jai Singh Kanwar (Supra). It is not the case that he was allotted land after the judgment.

In view of above discussions, writ petition is dismissed.

A.K. PATHAK, J.

MAY 19, 2016

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