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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7143/2014**
MAN SINGH

..... Petitioner
Through Mr. Sunil Dalal and Mr. Pradeep
Sehrawat, Advs.

versus

UNION OF INDIA & ANR

..... Respondents
Through Mr.Dev P Bhardwaj, CGSC for R-1.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **15.09.2016**

The petitioner is aggrieved by the rejection letter dated 25.06.2013 wherein his application seeking allotment of an alternate plot had been rejected in view of the fact that ratio of judgment of the Apex Court in the case of Delhi Administration Vs. Jai Singh Kanwar in C.A. No.8289/2010 delivered on 14.09.2011 would apply to the facts of the instant case. There are certain facts which are not in dispute. It is not disputed that the petitioner had 1/3rd share in a property measuring 33 bigha and 12 biswas in village Dichaon Kalan, Najafgarh. The said land was acquired vide an Award No.9/93-94. The petitioner had applied for an alternate plot under the Scheme of Large Scale Acquisition, Development and Disposal of Land in Delhi, 1961 within time i.e on 11.10.1993. Certain clarifications had also been sought for from the petitioner. The case of the petitioner was considered but rejected for the aforetoed reasons. It is not in dispute

that the petitioner has 1/3rd share in land measuring 28 bigha and 29 biswas in another khasra of the same village. This has been mentioned and averred in the petition in para 2 of the petition. This position not being in dispute, the ratio of the judgment of Jai Singh Kanwar is fully applicable and the case of the petitioner was rightly rejected.

On this score, learned counsel for the petitioner submits that this judgment would not be applicable as although admittedly the petitioner has balanced land but this is marsh land and this is of little use to the petitioner. Another submission made by the learned counsel for the petitioner is that the ratio of the aforementioned judgment would also not apply for the reason that this judgment was pronounced in a matter where the entire land in one khasra had been taken away and balance still remained in that khasra only. In the instant case, the petitioner's land in khasras No. 40/11, 40/12, 40/13, 40/14, 40/16, 40/17 and 40/18 has been acquired. This land has been acquired in its entirety. The share which has been left with the petitioner is in khasras No. 25/14, 25/17, 25/15, 25/16, 27/21, 27/22, 27/33 and 41/20. Submission being that on this score also, the judgment of Jai Singh Kanwar would not apply.

This Court is not in agreement with this submission of the learned counsel for the petitioner. The object of the Policy has to be noted while dealing with this submission. The object 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 for this beneficial legislation; it was not a commercial venture. The petitioner does not fit in the aforementioned category.

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

INDERMEET KAUR, J

SEPTEMBER 15, 2016

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