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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 5733/2015

RANJEET SINGH

..... Petitioner

Through Mr.Manjul Dahiya and Mr. Dheeraj
Panwar, Advs.

versus

GOVERNMENT OF NCT OF DELHI & ANR.

..... Respondents

Through Mr. Siddharth Panda, Adv for L & B.
Mr. Anul Chatruvedi, Adv for DDA.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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15.09.2016

The petitioner is aggrieved by the letter of rejection dated 23.08.2013 vide which his application seeking allotment of an alternate plot had been rejected. It had been rejected on two grounds. The recommending body had noted that the petitioner still had land left with him. In view of the ratio of judgment of Jai Singh Kanwar in C.A. No.8289/2010 delivered on 14.09.2011, since the entire land of the petitioner had not been acquired, he could not be considered for alternate plot. The second reason for rejection was that the land which fell to the share of the petitioner was admittedly less than 1 bigha and as such he was not covered with the Policy. The rejection letter had noted that the land acquired was 4 bigha and 4 biswas. The petitioner had a 83/565th share in this land which comes to less than 1 bigha. The petitioner is aggrieved by this finding.

On the last submission, learned counsel for the petitioner submits that the clubbing of the shares is permissible and he had filed a registered Relinquishment Deed from all his other four siblings who had relinquished their shares in favour of the petitioner. The typed copy of the aforementioned document is on record. The original has not seen the light of the day. This typed copy does not suggest that it is a registered Relinquishment Deed.

That apart, this Court notes the stand of the Department which as per their counter affidavit clearly avers that the petitioner had balance land left with him. In fact the document filed along with petition suggests that the petitioner had land in two khasras in village Shahiababad i.e. khasra No. 228, he had 4 bigha and 4 biswas which was the subject matter of acquisition. He also had 1 bigha and 9 biswas in khasra No. 227. The fact that the petitioner had 1 bigha and 9 biswas in the same village is an admitted fact. The document filed by the petitioner himself evidenced this.

In this view of the matter, the judgment in Jai Singh Kanwar (supra) would be wholly applicable. Para 6 of the said judgment 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 and as deduced from the judgment of Jai Singh Kanwar was to provide succour to those persons whose

land had been acquired in entirety and had no shelter left over their heads. Since the petitioner has admittedly balance land left with him, he does not fit into the aforementioned Policy. The ratio of judgment of Jai Singh Kanwar is fully applicable.

Petition is without any merit. Dismissed.

INDERMEET KAUR, J

SEPTEMBER 15, 2016

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