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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 5865/2015

ANIL KUMAR

..... Petitioner

Through Mr. K.K. Sharma, Adv.

versus

DELHI DEVELOPMENT AUTHORITY & ORS.

..... Respondents

Through Mr. Kush Sharma and Mr. Ekant Luthra, Advs. for DDA.

Mr. Arun Birbal and Mr. Sanjay Singh, Advs for R-2.

Mr. Peeyush Kalra, ASC with Ms. Paridhi Dixit and Mr. Shiva Sharma, Advs for GNCTD.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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31.08.2016

The petitioner is aggrieved by the letter of rejection dated 16.08.2013 vide which his application seeking allotment of an alternate plot had been rejected. This letter communicated to him that out of 43 bigha and 1 biswa of land which had been acquired vide Award No. 19/97-98 dated 19.12.1997, the share of the applicant was 1/48th and since this Award was post 03.04.1986 and the land acquired falling to the share of the applicant being less than 1 bigha, he was not considered under the policy for allotment of an alternate plot. This letter of rejection suffers from an infirmity. The Policy of the Government of NCT of Delhi which had formulated a Scheme to rehabilitate the agriculturists whose land has been acquired by the Government clearly presupposes that for an Award announced post

03.04.1986, the land acquired must not be less than 1 bigha. This is admittedly a part of the Policy.

The land in the instant case falling to the share of the petitioner is less than 1 bigha. This is not only candidly admitted by the petitioner but in W.P. (C) No.4395/2008 (filed by the petitioner which was disposed of 02.12.2009) the share of the petitioner was noted to be 1/48th; which was less than 1 bigha. This was clearly noted in this order dated 02.12.2009 which had disposed of that writ petition.

Learned counsel for the respondent has also drawn attention of this Court to a contempt case No. 129/2012 filed by the petitioner wherein also that petition had been dismissed on 21.01.2014; the petitioner had stated that he had instructions to withdraw this petition as the petitioner was not eligible for allotment of an alternate plot. The petition had accordingly been withdrawn.

This admission by the petitioner also destroys the case of the petitioner which is now sought to be argued by the petitioner. The whole case of the petitioner is based on malafides. He had himself admitted before the Contempt Court (on 21.10.2014) that he was not eligible for allotment of an alternate plot. Today before this Court, he is arguing to the contrary.

This petition is wholly not maintainable. It is without any merit. Dismissed with costs quantified at Rs.5,000/-.

INDERMEET KAUR, J

AUGUST 31, 2016

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