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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 9216/2014

SURJEET SINGH

..... Petitioner

Through Mr. Devesh Pratap, Adv.

versus

LAND & BUILDING DEPARTMENT

..... Respondent

Through Mr. Puneet Aggarwal and Ms Dalveer
Kaur, Advs.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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28.09.2016

The petitioner is aggrieved by the letter of rejection which had been issued on 23.06.2014 vide which his application seeking allotment of an alternate plot had been rejected. This letter communicated to the petitioner that he has still 10 bighas of land left with him; since its entire land has not been acquired, in view of the judgment of the Apex Court in Delhi Administration Vs. Jai Singh Kanwar in C.A. No.8289/2010 delivered on 14.09.2011, the case of the petitioner for allotment of an alternate plot is accordingly rejected.

The petitioner is aggrieved by this finding. His submission that as on date, he has no land left with him. His entire land has been acquired.

Record shows that Award No.19/97-98 dated 09.12.1997 was passed qua Village Shahpur Garhi. The petitioner received compensation on 24.06.1998. He had applied for an alternate plot

vide his application dated 23.03.1999. The Recommending Committee had examined the case of the petitioner. This meeting was held on 30.04.2014. It was revealed that 10 bigha of land remained with the petitioner which was unacquired. Contention of the petitioner is that he has no land left with him and this is also his stand adopted by him in his rejoinder. In view thereof, the Department had been directed to take instructions afresh in the matter. This was in terms of the order dated 20.07.2016. On 20.07.2016, this Court had directed the respondent to disclose to the Court as to in which khasra number, 10 biswas of land remained unacquired. Today before this Court, learned counsel for the respondent under instructions submits that this 10 biswas of land has been left unacquired in khasra No.6/2. There was total land of 4 bigha and 14 biswas in that khasra i.e. khasra No.6/2 out of which only 4 bigha and 4 biswas has been acquired. 10 Biswas remained unacquired. This is the categorical stand of the respondent which is as per the record of the Department.

The judgment of Jai Singh Kanwar is wholly applicable to the facts of the present case. 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.”

Since the entire land of the petitioner has not been acquired, the letter of rejection suffers from no infirmity.

At this stage, learned counsel for the petitioner submits that in view of the stand adopted by the respondent, he will take recourse to law and by moving an appropriate application, he will get verified from the Department about the remaining 10 biswas of land which had allegedly remained unacquired.

No further orders are called for on this petition. It is disposed of.

INDERMEET KAUR, J

SEPTEMBER 28, 2016

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