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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 5821/2015
MANOJ KUMAR Petitioner
Through: Mr. Sanjay Verma, Adv.

versus

GOVT OF NCT & ANR. Respondents
Through: Mr. Yeeshu Jain, Standing Counsel
with Ms. Jyoti Tyagi, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **19.05.2016**

By this writ petition under Article 226 of the Constitution of India petitioner has challenged the order dated 26th March, 2015 passed by the respondent no. 2 whereby application of the petitioner for allotment of alternative plot, in lieu of acquired land, has been rejected on the ground that his land was not acquired in entirety, therefore, he was not entitled to an alternative land in view of the law laid down by the Supreme Court in Civil Appeal No. 8289/2010 titled Delhi Development Authority vs. Jai Singh Kanwar & Ors. In the impugned order, it has been observed that out of 25-01 bighas only 2-2 bighas was acquired.

Petitioner's case is that his grandfather Late Shri Roop Chand was in the possession of 25 bighas 1 biswa of agricultural land forming part of

Khasra No. 47/24 min (2-19), 50/10/1 min (1-0), 5/10/2 22 min (3-7) (1-14), 5/21 (4-16), 6/15/2 (3-19), 16 (4-6), 17/2 (2-10) situated in the revenue estate of Village Pehladpur Bangar, Delhi. Petitioner was having 1/6th share in the above land. Predecessor-in-interest of the petitioner had already sold land measuring 3 bighas 19 biswas out of Khasra No. 47/24 (1-0), 47/24 min (1-0), 47/24 min (0-19) and 50/10/1 (1-0) prior to the year 2000 for which mutation was recorded in the revenue records of the year 2000 vide order dated 31st March, 2000 and 7th April, 2004 respectively. Accordingly, 21 bighas 2 biswa of the land remained with the family. The said land was acquired vide Award No. 14/2002-03 dated 8th July, 2002 and possession thereof was taken. Petitioner's land was acquired in entirety.

Counsel for the petitioner has placed reliance on the letter bearing no. F No. 15/Misc/Teh/NL/2014/81 dated 15th May, 2015 (Annexure P-4) issued by the Tehsildar, Narela stating therein that no agriculture land is there in the name of the petitioner.

Learned counsel for the petitioner has vehemently contended that Annexure P-4 clearly shows that petitioner was divested of her entire land, pursuant to the acquisition and no land was left behind in his name.

In view of the above, impugned order is set aside and matter is

remanded back to the respondent no.2 with the directions to reconsider the application of the petitioner for allotment of alternative land in view of the Annexure P-4. It would open for the respondent no.2 to get the contents of Annexure P-4 verified. Petitioner is also granted liberty to produce additional documents, if any, before the respondent no.2/ Recommendation Committee, inasmuch as, petitioner shall also be afforded opportunity of hearing, before passing a speaking order.

Writ petition is disposed of in the above terms.

Dasti.

A.K. PATHAK, J.

MAY 19, 2016

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