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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 6809/2015
SATYAWAN Petitioner

Through: Mr. Sanjay Verma, Adv.
versus

GOVT OF NCT & ANR. Respondents
Through: Mr. Arun Birbal, 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 thereby rejecting the application of the petitioner for allotment of alternative plot, in lieu of acquired land, on the ground that the entire land of the petitioner was not acquired, thus, he is not entitled to allotment of an alternative plot 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.

Petitioner has alleged that his grandfather Late Shri Roop Chand was the recorded owner of the land admeasuring 25 bighas 1 biswa 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 1/3rd share in the above land. Predecessor-in-interest of the petitioner had 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 orders dated 31st March, 2000 and 7th April, 2004 respectively. Accordingly, 21 bighas 2 biswas 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.

Counsel for the petitioner has placed reliance on the letter bearing no. F No. 15/Misc/Teh/NL/2014/80 dated 15th May, 2015 (Annexure P-4) issued by the Tehsildar, Narela stating therein that there is no agricultural land in the name of the petitioner. It is thus submitted that the petitioner's land was not acquired in its entirety.

Learned counsel for the petitioner has vehemently contended that Annexure P-4 clearly shows that petitioner was divested of 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 the light of Annexure P-4. Respondent no.2 will be at liberty to verify the contents of Annexure P-4. 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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