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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 10557/2015**
SHAKUNTALA DEVI

..... Petitioner

Through Mr.Nikhil, Advocate.

versus

LAND & BUILDING DEPARTMENT & ORS

..... Respondents

Through Mr.Yeeshu Jain, Standing Counsel
along with Ms. Jyoti Tyagi,
Advocate.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **22.08.2016**

Petitioner is aggrieved by the fact that his prayer for alternate plot was rejected by the impugned letter dated 20.12.2013. This communication had told the petitioner that he is not entitled to an alternate plot as his application was beyond the period of limitation; his case was accordingly rejected.

The averments made in the writ petition are that the land of the petitioner comprised in Khasra No.971(3-16) in the Revenue Estate of Village Mehrauli was acquired on 28.6.1972. The petitioner received his compensation on 21.5.1974. He applied for allotment of alternate plot before the Authorities on 21.12.1988. His contention is that it was rejected by a communication on 20.12.2013 which is illegal and is liable to be set aside.

The Department has not filed counter affidavit but the submission of the Department is that the impugned order calls for no review as admittedly the petitioner has received his compensation in 1974 and the petitioner having applied for allotment of an alternate plot after 14 years without any justifiable cause his case is not entitled to be considered for allotment of an alternate plot. Submission of the learned counsel for the respondent on this score being that the whole purpose of an alternative plot is to provide succour to those persons who are homeless and without housing accommodation. This scheme has been floated for this purpose only. If this purpose is allowed to be flouted and people apply for alternate accommodation/plot, fourteen years later, the obvious presumption is that they have accommodation as in these fourteen years they could not have been without a house or a home. They did have their home or house and; as such they are not entitled to any alternate plot. Submission being that this appears to be a case where the allotment is sought for a commercial purpose i.e. to obtain the plot under the scheme and to sell it in the open market; this would defeat the object of the allotment scheme.

This submission of the learned counsel for the respondent has force. Admittedly, the petitioner had received compensation in the year 1974. He applied for allotment of an alternate plot after 14 years. This was not the object of the policy for which it was formulated; its object, at the cost of repetition, was to provide solace to the persons those who were homeless or without roof over their head. The ratio of the judgment Delhi Administration Vs. Jai Singh Kanwar in Civil Appeal No.8289 of 2010 decided on 14.9.2011 by

the Apex Court would be applicable.

A Bench of this Court in 192(2012) DLT 368 (DB) Govt. NCT of Delhi Vs. Jagdish Singh had an occasion to consider the application of a person who had come to the Court seeking allotment of an alternate plot after a delay of 10 years; is application had been rejected.

Applying the ratio of this judgment to this case, the case of the petitioner deserves no sympathy. It is dismissed.

INDERMEET KAUR, J

AUGUST 22, 2016

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