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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 1512/2016

RAM CHANDER

..... Petitioner

Through Mr. N.S. Dalal and Ms. Toral
Banerjee, Advs.

versus

LAND & BUILDING DEPARTMENT

..... Respondent

Through Mr. B. Mahapatra, Adv.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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19.07.2017

Petitioner is aggrieved by the communication dated 10.07.2014 wherein his request for allotment of an alternate plot had been rejected as only a part of his land had been acquired; out of 22-11 bigha land only 19-19 bigha has been acquired. His submission is that the Policy of 1986 is applicable to the case of the petitioner and the order of rejection by applying the ratio of Delhi Administration Vs. Jai Singh Kanwar in C.A. No.8289/2010 decided on 14.09.2011 would be inapplicable; submission being that in the case of Jai Singh Kanwar, the Court was considering the Policy of the year 1962.

Learned counsel for the Department has controverted these submissions. It is pointed out that in view of the law laid down by the Apex Court in Jai Singh Kanwar particularly para 6 which has interpreted the policy of the Government of India for allotment of an alternate plot, it is only where the land has been acquired in its

entirety that the party is entitled for allotment of an alternate plot and in the absence of which his request for allotment of an alternate plot cannot be considered. Relevant extract of para 6 of this is judgment quoted herein as under:

“Neither the application nor the documents produced by the applicant Om Singh Kanwar averred or established that Chhajju Singh did not own a plot or flat or residential house and that he was not a member of any Co-operative Housing Society. In the circumstances, the fundamental requirement for making an application was absent. 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. The first respondent did not deny the fact that the Chhajju Singh did own a house in the year 1969. That apparently is the reason why he did not apply under the scheme. Nearly a decade after his death, an application was made by one of his sons. But what is to be considered is the position of the land loser on the date of the award. Therefore the appellant, who is one of the grand sons of Chhajju Singh is not entitled to seek allotment of a plot under the scheme by suppressing the fact that Chhajju Singh owned a house in 1969.”

This proposition of law as laid down by the Apex court clearly shows that where the land of the party has been acquired in its complete entirety i.e. the complete land; can he be considered for allotment an alternate plot and not otherwise. The whole object of

this policy which has been framed firstly in the year 1962 which was followed subsequently by the policy framed in the year 1986 was to provide succour to those persons who were completely landless and not having any house to live in; it would not be for those persons whose land in complete entirety has not been acquired and as such are not without shelter.

The fact that the petitioner still had balance land the letter of the Department rejecting the claim of the petitioner for allotment of alternative plot in this background suffers from no infirmity.

Petition is without any merit. Dismissed.

INDERMEET KAUR, J

JULY 19, 2017

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