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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 6384/2014**

PREM

..... Petitioner

Through: Mr. C.S. Dahiya, Adv.

versus

GOVT. OF NCT OF DELHI

..... Respondent

Through: Mr. Siddharth Pandey, Adv

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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25.05.2017

Late Chander Singh S/o Abhey applied for allotment of an alternative plot in lieu of his acquired land on 31st January, 1994. Shri Chander Singh died in the year 2005. Thereafter, name of the petitioner was substituted as legal heir of Late Shri Chander Singh since other legal heirs of Late Shri Chander Singh relinquished their rights in favour of the petitioner. Vide letter No. F.31(50)/85/94/L&B/Alt./7611 dated 19th August, 2013 respondent had informed the petitioner that she was not entitled to the allotment of alternative plot in lieu of the acquired land since the entire land was not acquired.

That is how the petitioner is before this Court by way of the present writ petition. Petitioner has assailed the rejection order dated 19th August, 2013 of the respondent.

It is not in dispute that entire land of Late Shri Chander Singh was not acquired on different occasions. Lastly, Award No. 1/93/94 was passed in respect of the certain acquired land of the petitioner. Prior thereto, some land was acquired in the year 1982 vide Award No. 50/82-83. However, the fact remains that the entire land of Late Shri Chander Singh was not acquired and more than 10 Bighas of land remained unacquired.

Supreme Court, vide judgment dated 14th September, 2011 passed in C.A. No. 8289/2010 tilted Delhi Administration vs. Jai Singh Kanwar, has held that if the entire land is not acquired and some of the land is left with the applicant, he is not entitled to the allotment of alternative plot. The object of allotting an alternative plot, in lieu of the acquired land, appears to be to provide immediate succour to a person whose land has been acquired so as to see that he has a place to live. In para 6 of the said judgment, Supreme Court has observed thus “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.”

Accordingly, in my view, respondent has rightly rejected the claim of

petitioner for allotment of an alternative plot in lieu of the acquired land since entire land of Late Shri Chander Singh was not acquired.

Learned counsel for the petitioner has vehemently contended that petitioner does not own any plot, thus, is entitled to allotment of a plot. I do not find any force in this contention of the learned counsel. It was Late Shri Chander Singh, who could have become entitled to an alternative plot in lieu of his acquired land. Had Late Shri Chander Singh been entitled for an alternative plot, petitioner would have simply stepped into the shoes of her father. Petitioner would have been entitled to an alternative plot as a legal heir of her father only in case her father himself was entitled for the allotment of an alternative plot.

For the foregoing reasons, writ petition is dismissed.

A.K. PATHAK, J.

MAY 25, 2017

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