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

+ **W.P.(C) 8179/2014 & CM 37721/2016**

CHHOTO DEVI

..... Petitioner

Through Mr Sunil Dahiya, Advocate.

versus

LAND & BUILDING DEPARTMENT

..... Respondent

Through Mr B. Mahapatra, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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12.10.2017

1. Leaned counsel for the petitioner has handed over an amended memo of parties which is taken on record.
2. The petitioner has filed the present petition, *inter alia*, praying as under:-

"to quash the minutes/resolution dated 17.04.2013 passed by the recommendation Committee and same was accepted by the office of respondent in respect of file No. F.30(Misc)/2012/L&B/Alt/134, thereby the application regarding allotment of alternative plot in lieu of her acquired land has been rejected.

And

To call the record from the office of respondent relating the petition for allotment of alternative plot and also to issue the writ of mandamus to the respondent to send the name of the petitioner to Delhi Development Authority for allotment an alternative plot in her favour."

3. The learned counsel for the petitioner has drawn the attention of this Court to a communication dated 17.05.2013 which indicates that the petitioner's request for an alternate plot in lieu of acquired land, was rejected by the Recommendation Committee in view of the decision of the Supreme Court in ***Delhi Administration v. Jai Singh Kanwar*** in ***Civil Appeal No. 8290/2010***. This was principally for the reason that the applicant's land had not been acquired in entirety.

4. The learned counsel for petitioner has drawn the attention of this Court to the applicable policy which provides that "*the applicant should not own a house/residential plot/flat out of village abadi in his/her own name or in the name of his wife/husband or any of his/her dependent relations including unmarried children, nor he should be a member of any co-operative Housing Society.*" He states that in the present case, although the petitioner was left with certain properties, however, those properties were located in extended *Abadi* area and, therefore, did not render the petitioner ineligible for allotment of a plot. He also referred to the response received pursuant to his request under the Right to Information Act, 2005, wherein the aforesaid fact has been confirmed by the concerned authority.

5. Mr Mahapatra, the learned counsel appearing for the respondent fairly states that the said aspect may not have been considered by the Recommendation Committee.

6. In view of the above, the present petition is disposed of by directing the respondent to once again examine the case of the petitioner uninfluenced by the earlier resolution dated 17.04.2013. The respondent shall examine the petitioner's case within a period of eight weeks from today and also communicate its decision to the petitioner.

7. The petition and pending application are disposed of with the above mentioned directions.

VIBHU BAKHRU, J

OCTOBER 12, 2017

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