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

+ W.P.(C) 4693/2017

DHANPAL AND ORS

..... Petitioners

Through

Mr. Raj Bahadur Singh and Mr.
Gurpreet Singh Randhava, Advs.

versus

UNION OF INDIA AND ORS

..... Respondents

Through

:Mr. Yeeshu Jain and Ms. Jyoti Tyagi,
Advs. for respondent nos. 1 to 3
Ms. Mrinalini Sen Gupta and Ms.
Sarita Panda, Advs. for DDA

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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26.05.2017

CM Appl. No. 20383/2017 (exemption)

Allowed, subject to all just exceptions. Application is disposed of.

W.P.(C) 4693/2017

It is not in dispute that petitioners applied for allotment of alternative plot in lieu of their acquired land. Their application has been rejected by the respondent no. 3 vide letter/order no. F32/(19)/5652/2010/L&B/Alt./2959 dated 9th January, 2017 on the ground that entire land of the petitioners was not acquired, inasmuch as applicants have residential accommodation, i.e.,

G-8/3/93, Gali no. 8, Block – 9, Sangam Vihar, Delhi – 110062.

I do not find any jurisdictional error in the decision taken by the respondent no. 1. Supreme Court, vide judgment dated 14th September, 2011 passed in Civil Appeal no. 8289/2010 titled Delhi Development Authority vs. Jai Singh Kanwar, has held thus, “we find that the High Court has not addressed the crucial and fundamental issue relating to eligibility. Under the scheme, only a land loser who did not own a house/residential plot/flat in his own name or in the name of his spouse or dependent relation, and who was not a member of any Cooperative Housing Society was entitled for allotment of plot....”.

In para 6 of Jai Singh Kanwar (supra), it has been further observed that 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. This case is totally covered by the aforesaid judgment.

Writ petition is dismissed.

A.K. PATHAK, J.

MAY 26, 2017/rb