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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 8456/2017 & C.M. No.34838/2017**
JAI LAL

..... Petitioner
Through: Mr Satyam Chaturvedi, Ms Mayanka
and Ms Meenakshi Garg, Advs

versus

STATE OF NCT OF DELHI

..... Respondent
Through: Mr Yeeshu Jain and Ms Jyoti Tyagi,
Advs

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER
% **22.09.2017**

Petitioner is aggrieved by the letter of rejection dated 03.07.2013 vide which the application of the petitioner seeking allotment of alternate plot had been dismissed. The rejection letter informed the petitioner that compensation having been received by him (for his acquired land) on 21.11.1994 and this application seeking allotment of an alternate plot having been filed 2 years thereafter i.e., on 16.01.1996 but beyond the period of one year, it was barred by time; that is why his case could not be considered. Another rejection letter dated 25.04.2014 is also on record. This letter informed the petitioner having been received compensation on 04.11.1984 and he having applied for allotment of an alternate plot only on 26.03.1991 was beyond the period of one year, the case of the petitioner being

time barred, his application was liable to be rejected.

These are the two rejection letter which have been placed on record. At the outset the learned counsel for the petitioner submits that his land has been acquired by four different notifications. The first notification was issued on 03.06.1987. A part of his land was acquired. He received compensation for the said portion. The second notification was issued on 07.08.1992 for which again the petitioner was compensated in terms of his payment certificate. The 3rd notification was issued on 15.11.1996 for which again payment certificate was issued to him. The last notification qua his land was issued on 22.08.2001 pursuant to which he had received his compensation which also reflects the date of 2001.

The present writ petition has been filed in August 2017. Further averments in the petition disclose that the petitioner had sought information under the Right to Information Act about the status of his application seeking allotment of an alternate plot; he was informed on 05.07.2016 that his application had been rejected as being time barred.

Relevant would be to note that there is no application on record by virtue of which the petitioner had made an application seeking allotment of an alternate plot. A query has been put to the petitioner on this court. His submission is that this record is not available with him. His additional submission is that since there were four separate acquisitions for four different portions of his land, in view of the ratio of the judgment of the Supreme Court in the case of *“Delhi Administration vs. Jai Singh Kanwar”* (CA No.8289 of 2010), he

could not have applied for an alternate plot unless and until his entire land stood acquired. Submission being that the last notification dated 22.08.2001 had in fact acquired his complete land. Meaning thereby that the petitioner was entitled for allotment of an alternate plot even as per his own averment after that date i.e., after 22.08.2001. At the cost of the repetition there is no application on record which suggests or shows that an application seeking allotment of an alternate plot had been made by the petitioner after 22.08.2001.

The rejection letter relied upon by the petitioner both give different dates. The rejection letter dated 03.07.2013 shows that the petitioner had made an application for allotment of an alternate plot on 16.01.1996. The second rejection letter dated 25.04.2014 shows that the petitioner had made his application for allotment of an alternate plot on 26.03.1991. Both these dates are prior in time to the last notification of 22.08.2001. A query has again been put to the petitioner as to when he had made this application seeking allotment of an alternate plot (which admittedly as per him could be made only after his entire land stood acquired and which was vide the last notification of 22.08.2001) the petitioner had no answer.

This writ petition has been filed without any cause of action. It is dismissed with costs quantified at Rs. 10,000/-.

INDERMEET KAUR, J

SEPTEMBER 22, 2017
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