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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **W.P.(C) 7527/2017 & C.M. NO.31017/2017**  
**KRISHAN LAL**

..... Petitioner

Through Mr. Raj Bahadur Singh and Mr. Arun  
Kumar, Advs.

versus

**UNION OF INDIA AND ORS**

..... Respondents

Through Ms. Mrinalini Sen, Adv. for UOI.  
Mr. Yeeshu Jain and Ms. Jyoti Tyagi,  
Advs for L & B.

**CORAM:**

**HON'BLE MS. JUSTICE INDERMEET KAUR**

**ORDER**

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**28.08.2017**

1 The petitioner is aggrieved by the letter of rejection dated 06.12.2016 vide which his application seeking allotment of an alternate plot had been rejected. It was on the ground that the petitioner on the date of Notification under Section 4 of the Land Acquisition Act, 1894 was not the recorded owner of the land. Relevant extract of the aforementioned order reads herein as under:-

*“The applicant has submitted that he had purchased the said land on 27.06.1990 and the same has revealed from the photocopy of the sale deed placed in the file. Hence the applicant was not the recorded owner prior to issue of notification under Section 4 of LA Act and the notification was issued on 23.06.1989 as per LAC report. Hence the case is rejected as it does not cover under policy.”*

2 Admittedly as per the record, the land of the petitioner was

purchased by him vide a sale deed dated 27.06.1990. A copy of the sale deed had been placed on record. This position is also not disputed by the respondent. Contention of the petitioner is that although the sale deed had been executed on 27.06.1990 yet he received physical possession prior thereto i.e. in the year 1988; negotiations were going on between the petitioner and the erstwhile owner and he had also received a no objection certificate in his favour.

3 This Court notes that even presuming that the aforementioned narration is correct yet the admitted position is that the sale deed i.e. document of title transferring immoveable property from erstwhile owner in favour of the petitioner was executed only on 27.06.1990. A transfer of immoveable property except by virtue of the said document (dated 27.06.1990) would not be complete; it would be hit by the provisions of the Transfer of Property Act. The transfer of physical possession of the land or a NOC in favour of the petitioner would not confer a title upon the petitioner holding him to be the recorded owner of the aforementioned land.

4 Under the Policy of the Government of NCT of Delhi, Land & Building Rules, an allotment of an alternate plot could be applied for only by those persons who were recorded owners of the land prior to the issuance of Notification of the said land. The Notification of the aforementioned land under Section 4 of the Act took place on 23.06.1989 i.e. before the petitioner was declared the recorded owner of the said land.

5       The Policy of the Government of NCT of Delhi clearly enjoins that the person must be a “recorded owner prior to issue of Notification under Section 4 of the Land Acquisition Act, 1894”.

6       The petitioner having become a ‘recorded owner’ of the land only on 27.06.1990 and the Notification having been issued prior thereto i.e. 23.06.1989 his application seeking allotment of an alternate plot was rightly not considered.

7       Petition is without any merit. Dismissed.

**INDERMEET KAUR, J**

**AUGUST 28, 2017**

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