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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **LPA 590/2017**
VIJAY & ANR Appellants

Through : Sh. N.S. Dalal, Sh. Aman Mudgal and
Ms. Toral Banerjee, Advocates.

versus

LAND & BUILDING DEPARTMENT Respondent
Through : Ms. Jyoti Tyagi, for Sh. Yeeshu Jain
Advocate, for L&B/LAC.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE C. HARI SHANKAR

ORDER

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10.11.2017

The appellants' grievance is that the learned Single Judge overlooked, rather did not appreciate, the facts in the correct perspective with respect to the claim for an alternative plot.

The facts are that two parcels of land were acquired by the Appropriate Government at different points of time. One was to an extent of 29 bighas [hereafter referred to as "the larger chunk"] and the other to the extent of 4 bighas [hereafter referred to as "the smaller chunk"]. Although the larger chunk of land was acquired later, the compensation was paid earlier in respect of it, i.e. on 28.09.1993. In respect of the smaller parcel of land, compensation was paid on 03.11.1999.

It is a matter of record that the appellants also received an additional compensation [which he contended was “part compensation” on 03.05.2000]. The application for alternative plot submitted by the petitioner on 26.05.2000 was rejected as time-barred. The learned Single Judge, after considering the submissions, was of the opinion that the rejection, in the circumstances, was justified. She relied upon the judgment in *Govt. of NCT of Delhi v. Jangli Ram and Ors.* [LPA 112/2015, decided on 03.07.2015] and distinguished the rulings relied upon by the petitioner, notably *Ram Chand v. Union of India* 1994 (1) SCC 44.

Sh. N.S. Dalal, learned counsel for the appellants urges that the learned Single Judge fell into error in misappreciating the circumstances. It was urged that till the entire compensation was received, the petitioners/appellants could not have moved a composite application as they did, in the facts of this case. Learned counsel emphasized that although the relevant guidelines which were amended on 03.04.1986, and in 1987, required the applicants dispossessed of land and who received compensation, to apply for alternative plot within a year after receipt of compensation, the claim for alternative plot in the present circumstances would have been rejected as inchoate, in the absence of payment of entire compensation.

It was submitted that having regard to these circumstances, which were apparent from the record, the learned Single Judge’s conclusions ought not to be sustained.

The facts concededly are that the appellants received compensation as determined in the award in respect of the largest chunk of land, i.e. 29 bighas in 1993 itself. Therefore, it did not make a difference if the appellants had applied; they could in fact have applied within one year after receipt of compensation, for the largest chunk of land, i.e. 29 bighas. That they chose to wait for receipt of additional compensation in respect of that acquired portion for which basic compensation had already been paid and also waited to receive compensation for the smaller chunk, could not have, in any manner, extended the period of limitation.

In the above view of the matter, the Court is of the opinion that there is no merit in the appeal. It is accordingly dismissed.

S. RAVINDRA BHAT, J

C. HARI SHANKAR, J

NOVEMBER 10, 2017/ajk