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

+ LPA 392/2018 & CM APPLs. 28659/2018 & 28661/2018

SMT MANJU BALA ..... Appellant

versus

LAND AND BUILDING DEPARTMENT ..... Respondent

+ LPA 395/2018 & CM APPLs. 28713/2018 & 28715/2018

SHRI KRISHAN KUMAR AGARWAL ..... Appellant

versus

LAND AND BUILDING DEPARTMENT ..... Respondent

**Present:** Mr. Chandra Shekhar Biswas, Adv. for appellant.

**CORAM:**

**HON'BLE THE CHIEF JUSTICE**

**HON'BLE MR. JUSTICE V. KAMESWAR RAO**

**ORDER**

% **14.11.2018**

1. Seeking exception to the orders passed by the writ court on 04.08.2016 and 05.08.2016 in W.P.(C) Nos.1376/2015 and 758/2015, these appeals have been filed under Clause 10 of the Letters Patent.

2. Appellant in LPA No.392/2018 is the wife of appellant in LPA No.395/2018. Appellants had filed the writ petitions in question whereby claim of the appellants for grant of alternate plot has been rejected. It is the case of the appellants that they were entitled to the plot after award was passed and the land of the appellants was acquired which was situated in Village Shahpur Garhi, New Delhi. It is stated that the appellants way back in the year 1999 had completed all the formalities and submitted the applications but their applications have been rejected.

3. Taking us through various factors and primarily contending that acquisition of house by appellant's (Smt. Manju Bala in LPA No.392/2018)

husband or property and by appellant in LPA No.758/2015 subsequent to 19.12.1997 cannot disentitle them from claiming alternate plot, the writ petitions in question were filed.

4. The learned writ court took note of the relevant policy and criteria based on which alternate plot was to be granted and found that alternate plot can only be granted to such person who either himself or herself or through his or her spouse is not in ownership of any property. Finding that appellant's (Smt. Manju Bala in LPA No.392/2018) husband owned property and the appellant is co-owner of the said property bearing No.2099/1, Nai Basti, Anaj Mandi, Narela, Delhi, the writ petitions have been rejected.

5. The learned writ court held that contentions of the appellant to the effect that the embargo will not be applicable in the case of the appellant, as the property owned by the husband was after the acquisition took place has been rejected by holding that the new policy which came into force envisaged the disentitlement clause and as this is applicable in the case of the appellant the claim has been rejected.

6. In our considered view in rejecting the claim on such consideration, no error has been committed warranting interference now in these appeals. The appeals are rejected. The pending applications also stand disposed of.

**CHIEF JUSTICE**

**V. KAMESWAR RAO, J**

**NOVEMBER 14, 2018**

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