

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

Date of Order: August 21, 2018

+ W.P.(C) 9285/2015

RAJ SINGH

..... Petitioner

Through: Mr. V.P.Rana & Ms. Pooja Wason,
Advocates

Versus

GOVT. OF NCT OF DELHI & ANR. Respondents

Through: Mr. Yeeshu Jain, Standing Counsel
& Ms. Jyoti Tyagi, Advocate

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Impugned order of 23rd July, 2014 (*Annexure-A*) rejects petitioner's application for allotment of alternate plot in lieu of acquired land on the ground that the subject land was built up and was not being used for agricultural activities. Impugned order notes that since the subject land was not being used for agricultural purpose, so, applicant/ petitioner is not entitled for allotment of alternate plot against acquisition of his land.

As per the guide lines of Government of NCT of Delhi for allotment of alternate plot, if the built up acquired land of more than 20% is not taken over in the acquisition proceedings, then such applicant is not entitled to allotment of alternate plot. Though, it is the case of petitioner that acquired land in question was not built up, but I find that impugned order is silent on the aspect whether the built up portion of acquired land

was 20% or more or whether it has been left out of acquisition. Even the counter affidavit filed by respondents is silent on this aspect. Therefore, the impugned order cannot be sustained and is accordingly set aside with direction to respondent to reconsider petitioner's application for allotment of alternate plot in lieu of acquired land, within four weeks. The fate of petitioner's application be made known to him within two weeks thereafter, so that petitioner may avail of the remedies, as available in law, if need be.

With aforesaid directions, this petition is disposed of.

(SUNIL GAUR)
JUDGE

AUGUST 21, 2018

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