



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

% **Date of order: 23rd September, 2022**

+ **W.P.(C) 2316/2016**

AJIT SINGH MALIK & ORS Petitioners

Through: Mr. Arvind Kumar Gupta and Mr.
Rishi Bhardwaj, Advocates

versus

GOVT. OF NCT OF DELHI & ANR Respondents

Through: Ms. Astha Tyagi, Advocate for R-1
(Through VC)
Mr. Jayendra, Advocate for R-
2/DDA

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

CHANDRA DHARI SINGH, J (Oral)

1. The instant petition under Article 226 of the Constitution of India has been filed on behalf of the petitioner seeking the following reliefs:

“1. Issue a Writ in the nature of Certiorari quashing the Letter No. F.32(44)/3/86/L&B/Alt/19780 dated 05.03.2014 whereby the application for allotment of an alternative plot of the petitioners has been rejected by the Respondent No.1.

2. Issue a Writ in the nature of Mandamus directing the Respondent no. 1 to make recommendation to the Respondent no. 2 DDA for the allotment of an alternative plot measuring 250 sq yards to the petitioners and that a Plot be allotted to the Petitioners by the Respondent No.2.



3. Any other writ or order or direction which this Hon'ble Court deem fit may also pass in the facts of the present case in favour of the petitioners."

FACTUAL MATRIX

2. The background of the case reveals that 1/5th share of the land admeasuring 21 bighas 2 biswa comprised in Khasra Nos. 44(5-8), 54(5-2), 101 Min (3-0), 102(8-8), 409/107(6-12), 417/107(1-12), 135(2-1), 136(4-12), 154 Min (3-0), 165(7-6) measuring a total of 47 bigha 1 biswa, situated in the Revenue Estate of village Masoodpur, Delhi, was owned by one late Sh. Trikha Ram. The said land owned by Trikha Ram comprised in Khasra No. 135/2,411, 136/2, 154, 165, 151, 166, 160, 462, 56/266/2 situated in the Revenue Estate of village Masoodpur, Delhi was acquired vide Award No. 2225 dated 26th March 1969.

3. Upon the demise of Trikha Ram on 10th July 1963, Sh. Narain Singh, father of the petitioners, represented him before the respondent no. 1, being his legal heir, for allotment of alternative plot in lieu of acquisition of his land. The father of the petitioners was also the co-owner of the 1/5th share in agricultural land comprised in the abovesaid Khasra No.s admeasuring 47 bighas and 1 biswa. The said land was also acquired vide Award No. 90/80-81. The father of the petitioners applied for allotment of an alternative plot under the modified Scheme dated 2nd May 196 for 'Large Scale Acquisition Development & Disposal of Land in Delhi' (hereinafter "Scheme of 1961"), i.e, Policy of 1986, vide application dated 30th July 1986.



4. On 5th June 2006, the application of the father of the petitioners was rejected, against which he approached this Court by way of filing Civil Writ Petition No. 18068/2006, which was disposed of by a Coordinate bench of this Court vide order dated 17th January 2007 with directions to the respondent to decide the application of petitioners' father afresh.

5. The respondent no. 1 considered the application for allotment of alternative plot in terms of the order dated 17th January 2007 and vide order dated 16th April 2007, the respondent no. 1 rejected the said representation on the ground that there was no change of circumstances in the case of the applicant.

6. A subsequent Civil Writ Petition bearing No. 3587/2007 was filed against the order dated 16th April 2007. The said petition was allowed vide order dated 6th November 2009 with the direction to the respondent no. 1 to consider the application for allotment of alternative land/plot without being influenced by the policy decision dated 11th October 1998, whereby the Lt. Governor of Delhi had decided that if farmers had not made an application for allotment of residential plot within the stipulated time it would be assumed that they do not need it.

7. Challenging the said order dated 6th November 2009, the respondent no. 1 filed an LPA bearing No. 461/2010, which stood dismissed with a cost of Rs. 10,000/- vide order dated 7th March 2012. Aggrieved by the order, the respondent no. 1 preferred a Special Leave Petition bearing No. 38865/2012, which also came to be dismissed vide



order dated 22nd July 2013.

8. On 5th March 2014, the respondent no. 1 vide its letter no. F.32(44)/3/ 86/L&B/Alt/19780 rejected the application of the petitioners' father on the ground that certain requisite documents were not submitted by the applicant for consideration of his application and that the entire land of the applicant was not acquired, hence, he was not entitled for the allotment of alternative plot.

9. The petitioners are aggrieved by the said rejection order dated 5th March 2014 passed on the application for allotment of alternative plot and have therefore, filed the instant petition.

SUBMISSIONS

10. Learned counsel appearing on behalf of the petitioners submitted that the action of the respondent no. 1 of rejecting the application for allotment of alternative plot, despite having directions against it from all the Courts, is arbitrary and unreasonable. It is submitted that the respondent no.1 has not applied the Scheme of 1986 in its true spirit and as such the petitioner is entitled for the allotment of alternative plot.

11. Learned counsel for the petitioners submitted that all relevant and requisite documents were supplied with the application for allotment of alternative plot.

12. It is submitted that the grounds taken by the respondent while rejecting the application were available at the time of the original



application as well but have only been taken by the respondents at this stage therefore, the respondent no.1 is precluded not only on the principle of estoppel but also on the principle of constructive *res judicata*.

13. It is submitted that the orders of the respondent no. 1 cannot be permitted to be changed with the passage of time at the whims and fancies of officers and public servants. The respondent no. 1 from 1986 till 2013, when the Special Leave Petition was dismissed, raised multiple grounds justifying its action for rejecting the application for allotment of an alternative plot against the petitioners. At no point of time the reason which has been communicated through the impugned order to the petitioners was raised by the respondent no. 1 despite the circumstances remaining the same and no change in the facts of the case. It is submitted that the public authority did not object to the eligibility of the petitioners for a continuous period of 27 years, it cannot pass a rejection order by taking an absolutely new ground after a long passage of time.

14. Therefore, it is submitted that the impugned order is liable to be set aside.

15. *Per Contra*, learned counsel for the respondents vehemently opposed the instant petition and submitted that there is no illegality in the impugned order rejecting the application for allotment of alternative plot. It is submitted that the petitioners and their predecessor-in-interest did not fulfil the conditions required to be fulfilled for being eligible for the allotment of alternative plot.



16. It is submitted that a report of the Land Acquisition Collector was called upon wherein it was mentioned that out of the land comprised in Khasra No. 38 min (6-17), 44 min (5-8), 54 (5-2), 101 min (3-0), 102/2 (6-8), 409/107 (6-12), 461/368/36 (5-8) total area 38 bigha 15 biswa, 2/9th of the said land had been acquired from the petitioners' predecessor. It was also mentioned therein that possession of 31 bigha 18 bigha had been taken but possession of Khasra No. 38(6-17) could not be taken due to stay by this Court.

17. It is submitted on behalf of the respondents that vide letter dated 7th October 1991 the petitioners' father was asked to produce requisite documents/ information including duly executed/ registered, relinquishment deed, original copy of legal heir certificate, application in joint name by all legal heirs and copy of judgment of the Learned ADJ alongwith certificate from the bank in respect of compensation received. It is submitted that in the said letter it was also stated that in case of failure to comply with the formalities, the case of the applicant would be rejected. However, no reply was received from the applicant nor were the conditions fulfilled as per the norms and hence, on 1st November 1991 the case of the applicant was closed. The said decision was never challenged by the applicant and the same attained finality. The petitioners' father almost around three years later on 25th August 1994 submitted another letter seeking reopening of case and allotment of alternate plot.

18. It is submitted that in accordance with the order and the directions of the Coordinate Bench of this Court in W.P. (C) 18068/2006, and was



rejected when it was found that there was no change in the status and circumstances of the petitioners.

19. It is further submitted that the case of the petitioners was placed before the Recommendation Committee in the meeting held on 7th February 2014, where the Committee observed that the applicant vide various letters dated 8th January 2014 was asked to furnish the requisite documents but no reply was submitted by the applicant. Further, as per the record available, the land admeasuring 0-14 bigha and 2-0 bigha in Khasra No. 135/2 and 102/2 respectively has not been acquired. It is submitted that it is evident that the land of the applicant has not been entirely acquired. Moreover, Therefore, the case of the applicant was rejected. The learned counsel for the respondents relied upon the case of *Delhi Development Authority vs. Jai Singh Kanwar, C.A. No. 8289/2010* decided on 14th September 2011 to submit that the case of the applicant was not fit to be allowed and submitted that the instant petition is devoid of merit, therefore, liable to be dismissed.

20. Heard learned counsel for the parties and perused the record.

ANALYSIS AND FINDINGS

21. The instant petition has been filed on behalf of the petitioners assailing the rejection order to the application of their predecessor-in-interest for allotment of alternative plot in lieu of acquisition. The applicant made the application under the modified Scheme of 1961, which came in force in 1986 enlisting the guidelines for applicant for



allotment of alternative plot.

22. The objective of the Scheme of 1961 suggests as under:-

“The scheme of providing developed residential plots to farmers whose lands are acquired for planned development of Delhi is a rehabilitation measure”

23. Moreover, the objective of the 1986 modifications reads as under:-

“It is purely a welfare scheme to rehabilitate the agriculturists whose land is acquired by the Government.”

24. This objective has also been reiterated by this Court as well as the Hon’ble Supreme Court in various cases. A coordinate bench of this Court in ***Jai Singh Kanwar vs. Union of India, 2008 SCC OnLine Del 492***, made the following observations:-

“7.2 Giving its imprimatur to the policy the Full Bench in Shiv Devi Viriley explained the rationale for the policy was to see that the population of Delhi is properly housed and has the means for acquiring residential houses and further that if a person has bought a residential plot privately and the State chooses to acquire that land at a very meagre price, then surely it is the duty of the State to give an alternative plot at a moderate price to those persons who have been deprived of possible residential houses, which they could have constructed on the land they have acquired”

25. Further, in ***Surender Singh Mann vs. Government of NCT of Delhi, W.P.(C) 12306/2015***, decided on 25th August 2017, a Coordinate Bench of this Court observed as under:-



“7 At this stage, it would also be useful to extract the eligibility criteria of the Government which had been approved by the Government of NCT of Delhi in the year 1961 dealing with allotment of alternate plots. The object of the scheme reads as under:-

“The scheme of providing developed residential plots to farmers whose lands are acquired for planned development of Delhi is a rehabilitation measure”

8 The object thus clearly being to provide developed residential plots to farmers whose land had been acquired for the planned development of Delhi; this being a rehabilitative measure.

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12 The Policy of the Government as is evident from the scheme was to provide residential plots to farmers whose land had been acquired; it was a rehabilitative measure; meaning thereby that it was to rehabilitate those farmers whose land had been acquired as they had become homeless or landless.”

26. In ***State of M.P. vs. Narmada Bachao Andolan***, (2011) 7 SCC 639, the Hon’ble Supreme Court elaborated on the general principle and provisions for rehabilitation and observed as under:

“Land acquisition and rehabilitation : Article 21

26. It is desirable for the authority concerned to ensure that as far as practicable persons who had been living and carrying on business or other activity on the land acquired, if they so desire, and are willing to purchase and comply with any requirement of the authority or the local body, be given a piece of land on the terms settled with due regard to the price at which the land has been acquired from them. However, the



State Government cannot be compelled to provide alternate accommodation to the oustees and it is for the authority concerned to consider the desirability and feasibility of providing alternative land considering the facts and circumstances of each case.

27. In certain cases, the oustees are entitled to rehabilitation. Rehabilitation is meant only for those persons who have been rendered destitute because of a loss of residence or livelihood as a consequence of land acquisition. The authorities must explore the avenues of rehabilitation by way of employment, housing, investment opportunities, and identification of alternative lands.

“10. ... A blinkered vision of development, complete apathy towards those who are highly adversely affected by the development process and a cynical unconcern for the enforcement of the laws lead to a situation where the rights and benefits promised and guaranteed under the Constitution hardly ever reach the most marginalised citizens.” (Mahanadi Coalfields Ltd. case [Mahanadi Coalfields Ltd. v. Mathias Oram, (2010) 11 SCC 269 : (2010) 4 SCC (Civ) 450 : JT (2010) 7 SC 352] , SCC p. 273, para 10)

For people whose lives and livelihoods are intrinsically connected to the land, the economic and cultural shift to a market economy can be traumatic. (Vide State of U.P. v. Pista Devi [(1986) 4 SCC 251 : AIR 1986 SC 2025] , Narpat Singh v. Jaipur Development Authority [(2002) 4 SCC 666 : AIR 2002 SC 2036] , Land Acquisition Officer v. Mahaboob [(2009) 14 SCC 54 : (2009) 5 SCC (Civ) 297] , Mahanadi Coalfields Ltd. v. Mathias Oram [Mahanadi Coalfields Ltd. v. Mathias Oram,



(2010) 11 SCC 269 : (2010) 4 SCC (Civ) 450 : JT (2010) 7 SC 352] and Brij Mohan v. HUDA [(2011) 2 SCC 29 : (2011) 1 SCC (Civ) 336] .) The fundamental right of the farmer to cultivation is a part of right to livelihood. “Agricultural land is the foundation for a sense of security and freedom from fear. Assured possession is a lasting source for peace and prosperity.” India being a predominantly agricultural society, there is a “strong linkage between the land and the person's status in [the] social system”.

27. Hence, it is evident that the Scheme of 1961 was introduced as a means to provide for those whose land is acquired for the purposes of development and to ensure that such persons are not rendered homeless or landless in the event of such acquisition.

28. The petitioners have reached this Court after several rounds of administrative and litigation rounds. At this stage, the issue and challenge before this Court is limited to the rejection order dated 5th March 2014 and the principal grounds taken by the concerned authority/respondent no. 1 while rejecting the application are, first, that despite repeated requests, the applicant and the petitioners failed to submit the requisite documents, and secondly, that the entire land of the petitioner has not been acquired. The relevant portion of the impugned order is reproduced hereunder:-

“With reference to the above-mentioned subject, it is to inform you that your case for allotment of alternative plot in lieu of acquired land has been placed before the meeting of Recommendation Committee held on 07/02/2014 and the Committee observed that the applicant vide this office various



letters and latest letter of even number dated 08.11.2004 was asked to furnish the requisite documents but no reply has been submitted by the applicant till date.

*Further as per available record, the land measuring 0-14 bigha & 2-0 bigha in Kh. No.135/2 & 102/2 respectively has not been acquired. It is, therefore, evident that the land of the applicant has not been acquired in the entirety. Hence due to non-submission of requisite documents and in view of the judgement dated 14.09.2011 of the Hon'ble Supreme Court in case titled "Delhi Administration vs. Jai Singh Kanwar" (CA No.8289 of 2010), the case of the applicant for allotment of alternative plot in lieu of the acquired land is **REJECTED**."*

29. In the instant matter, the relevant condition, which became the ground for rejection of the petitioners' application, was that the entire land of the applicant was not acquired. The Scheme for alternative plot does not confer a direct and absolute right to any person whose land is acquired. The Scheme provides for conditions under paragraph 10, which were updated and modified with time and as per requirements. These conditions act as eligibility criteria for the land owners whose lands were acquired and who became entitled to be considered for allotment of alternate plot, subject to the conditions laid.

30. These conditions which stood under paragraph 10 of the Scheme are reproduced hereunder:-

"10. The following conditions shall govern the allotment of land whether by auction or otherwise to individuals (including those whose land has been acquired):



- a) No plot should be allotted to any person, who or whose wife/husband or any of his/her dependent relations including unmarried children owns a house or residential plot of land in Delhi, New Delhi or Cantonment. The question of making an exception in the case of persons living in a congested locality or whose family has out-grown should be considered after some experience has been gained of the working of the scheme.*
- b) The allottee of a plot should be required to construct the house in accordance with the sanctioned plans within two years of the date of allotment, failing which the land would be liable to be resumed.*
- c) The allottee of a plot shall not sell or transfer his rights in the plot or part thereof for a period of 10 years from the date of allotment except with the previous approval of the Chief Commissioner which will be given only in exceptional circumstances. Thereafter the permission to sell will be given to the Chief Commissioner. In both the cases, 50% of the unearned increase in the value of the plot will be paid to the Government before the transfer is permitted.....”*

31. The modified Policy of 1986 also highlights the eligibility criteria as under:-

“WHO IS ELIGIBLE

A-WHERE THE ACQUIRED LAND IS ANCESTRAL

- 1. The persons who are RECORDED OWNER prior to issue of notification u/s 4 of the Land Acquisition Act.*
- 2. The persons whose land has been acquired must have received the compensation as a rightful owners from the LAC/Court and the possession of acquired*



land has been taken by the Govt.

3. The applicants should not own a house/residential plot/flat out of village abadi in his/her own name or in the name of his wife/husband, or any of his/her dependent relations including unmarried children, nor he should be a member of any Co-operative Housing Society.

4. For awards announced prior to 3.4.86, the land acquired is not less than 150 sq. yds. and for awards announced post 3.4.86, the land must not be less than one bigha.

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THEREFORE IN VIEW OF THE AFORESAID ELIGIBILITY CONDITIONS, THE SHOWING CATEGORY OF PERSONS ARE NOT COVERED UNDER THE SCHEME:

1. The persons whose land acquired is less than 150 sq. yds. against the award announced pre 3.4.86 and less than one bigha in respect of awards after 3.4.86.

2. The land has been acquired for non plan purposes against the acquisition notification issued u/s 4 of land Acquisition Act prior to 14.7.87.

3. The persons who or their spouse/dependent children own plot/house/flat etc. which are out of the village abadi.

4. The applicant whose built up area in the acquired land is more than 20% and the possession of built up area has not been taken over by the Govt. Agency are not eligible for allotment of alternative plot.

5. The applicants who purchased the land by sale deed after the issue of notification u/s 4 of L.A.Act.



6. Persons who purchase the land under acquisition at any time to contravention of the provisions of the Delhi Land Reforms Act, 1954 or the Delhi Land (Restriction on transfer) Act, 1972 or of any other law in force or who cannot adduce documentary evidence of the bonafide lawful acquisition of such land, will not be considered for allotment of an alternative plot.

32. The Division Bench of this Court in ***Government of NCT of Delhi vs. Veerwati, 2012 SCC OnLine Del 1444***, and its connected LPAs, held that there are four requisite conditions for consideration while filing and adjudicating the application for allotment of alternative plot. The relevant portion of the judgment is reproduced hereunder:-

“3. In the year 1961 the Government formulated the scheme for allotment of alternate plots to those land owners whose land is acquired for planned development of Delhi and the land so acquired is placed at the disposal of the DDA. The allotment of alternate plot under this policy was subject to his satisfying, beside others, following conditions:—

a) The application must have been filed within a period of one year from the date of receipt of the compensation.

b) He should be recorded owner of the acquired land prior to the date of issuance of the Notification under Section 4 of the Act.

c) He must have received the compensation for the said land as a rightful owner and the possession of the acquired land has been taken by the Government.

d) Neither he nor his spouse nor any of his dependent children own any residential property in Delhi.”



33. The conditions stipulated in this matter have stemmed from the Scheme of 1961 and its subsequent amendments and hence, have to be given foremost importance while making an application for allotment of alternative plot and while its consideration by the concerned authority.

34. Upon receiving and considering the application of the petitioners, the concerned department carried out the necessary inquiry to adjudicate upon the application of the applicant and upon such enquiry of the record it was found that the entire land of the applicant was not acquired. The applicant had certain portion of land left with him which made him ineligible for consideration of his application for allotment of alternative plot. The record showed that land admeasuring 0-14 bigha and 2-0 bigha in Khasra No. 135/2 and 102/2 was not acquired and admittedly the applicant owned the land comprised in the said Khasra No.s. Moreover, neither the applicant nor the petitioners were able to show, through any document or material on record, that their entire land was acquired. In fact, they have made a categorical statement in their petition accepting the existence of a land available with them which reads as under:-

“The Respondent no. 1 was always aware of the fact that the petitioners had a small piece of land available with it in the village.”

35. An examination of the objective of the Scheme read with the observations made in the abovementioned judgments of the Hon’ble Supreme Court as well as this Court, definitively and unambiguously indicate that the Scheme of 1961, and its subsequent modifications, are



targeted to those individuals, villagers, farmers etc. who may be rendered homeless or landless upon their land being acquired by the Government, or any Authority under it, for the purposes of development. The very structure of the Scheme suggests that it is a welfare and rehabilitative measure for those affected by the actions taken in the process of development of the State of NCT of Delhi. Being considered for compensation, whether monetary or in the form of alternate plot, is an entitlement which is available to individuals who fulfil the criteria provided for under the Scheme. Those who lose their homes or their agricultural lands, that are the only source of their livelihood, are the beneficiaries of schemes like these and rightly so need to be facilitated as soon as possible. Such individuals, owners, villagers, farmers and their families cannot and should not be left remediless after their land is acquired. However, it should also be borne in mind that in garb of such welfare schemes, those who have alternative and effective means of sustaining a life do not take unfair advantage of the schemes and welfare provisions of the Government and its Authorities.

36. The applicant and the petitioners were clearly not rendered landless after the land in question was acquired. As per the Scheme, and as per the interpretation of the Division Bench of this Court in the aforementioned matter, it is found that as long as an applicant is left with a part of his land or owns an alternative accommodation, he would not be entitled for allotment of an alternative plot.

37. Since, the very purpose of the Scheme for allotment of alternative



plot is to provide for those who do not have any land left, residential or agricultural, subsequent to their land being acquired, and even the conditions laid under the Scheme provide for the ineligibility on account of ownership of a land, it is found that the case of the petitioners does not fulfil the eligibility criteria and hence, they were rightly found not entitled to the alternative accommodation under the Scheme.

38. The second ground for rejection of the application was non-submission of requisite documents. The contents of the impugned order also reveal that the respondents sent several communications, including letter dated 8th November 2014, to the petitioners to rectify the defects and make good the deficiencies in the application for allotment of alternative plot by submission of the requisite documents. However, despite such communications, the applicant, when he was pursuing the application, and even the petitioners, failed to accommodate the deficiencies and submit the documents required for proper adjudication of their case. In absence of the documents required, the authority concerned could not have ascertained the right of the applicant and hence, the application was rightly rejected.

CONCLUSION

39. The lengthy facts of this matter suggest that the petitioners' approach has been to seek liberty to approach the competent authority but not accept the decision that the authority is making on the basis of the facts and circumstances as well as in view of their eligibility and merit. The competent authority on several occasions has found defects and



deficiencies in the application of the petitioners' predecessor-in-interest, however, instead of rectifying the same, the petitioners have invoked the extraordinary jurisdiction of this Court to challenge the orders. It is evident that the parties have been engaging in frivolous litigation for over 15 years and the same is not only burdening this Court but also the authority which has the duty to provide relief to those citizens who are truly eligible, have merit in their case and therefore, are entitled to the allotment of alternative plot. This Court condemns such actions on part of the parties, especially, for the reason that the Scheme under which the petitioners are seeking relief does not entitle them in their circumstances.

40. This Court has also perused and examined the background of the instant matter to ascertain whether the respondent no. 1 was wrong in passing the impugned order after having the directions from Coordinate Bench of this Court in W.P. (C) 18068/2006 dated 17th January 2007 and in W.P. (C) 3587/2007 dated 6th November 2009 as well as by Division Bench of this Court in 7th March 2012.

41. Admittedly, at the first instance, the application of the petitioners' predecessor-in-interest was rejected on 1st November 1991 on the ground of non-submission of documents, however, the said order was never challenged but the applicant only sought directions to the respondent no. 1 to re-consider the matter. The respondent no. 1, thereafter, passed the order dated 16th April 2007 stating therein that they were not opening cases beyond the year 2000 for consideration of cases for allotment of alternative plot. The said order was also challenged, and the order dated



6th November 2009 was passed again with the directions to the respondents to re-appreciate and re-consider the application, which was challenged by the respondent itself. The LPA impugning the order dated 6th November 2009 was dismissed and the respondent approached the Hon'ble Supreme Court in SLP, which also came to be dismissed without any further directions.

42. Evidently and undisputedly the directions passed to the respondents by the abovesaid orders were to take a decision/ re-consider the application of the applicant and in no manner were the directions in the nature of Mandamus to accept/allow the application of the petitioners' predecessor-in-interest without considering the merits of their case. The respondent no. 1, in accordance with the said orders did reconsider the application for allotment of alternative plot and passed the impugned order finally on 5th March 2014. The petitioners pursued the respondents to consider the application even though they themselves defaulted in providing the documents necessary for fulfilling the eligibility and there was a fallacy on their part while insisting upon allotment of alternative plot despite knowing and admitting the fact that their entire land was not acquired and they owned certain part of land in the Village.

43. Keeping in view the facts, circumstances, the arguments advanced on behalf of the parties, the observations and discussion in the foregoing paragraphs and the contents of the impugned letter in the background of the Scheme of 1961 and its modification in 1986, it is found that there is no error apparent on the face of record or any gross illegality in the



impugned communication bearing No. F.32(44)/3/86/L&B/ALT/19780 dated 5th March 2014 passed by the concerned authority/respondent no. 1 while deciding the application for allotment of alternative plot.

44. This Court does not find any cogent reason to interfere with the impugned order rejecting the application of the petitioners' predecessor-in-interest in light of the facts that the petitioners admittedly own certain part of land in the village and that despite communications they did not submit the requisite documents for proper adjudication of their case. Accordingly, the instant petition is dismissed.

45. The order be uploaded on the website forthwith.

(CHANDRA DHARI SINGH)
JUDGE

SEPTEMBER 23, 2022
gs/ms

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