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

% *Decided on: 19th January, 2023*

+ W.P.(C) 13560/2022 & CM APPL. 41307/2022
M S K.C. SHARMA COMPANY Petitioner

Through: Mr. Raj Kumar Sharma with
Mr. Pradeep Kr. Sharma,
Advocates.
(M): 9811077524

versus

UNION OF INDIA & ANR. Respondents

Through: Mr. Yeeshu Jain, Standing
counsel with Ms. Jyoti Tyagi,
Advocates.
(M): 9811394417
Email: yeeshujain@yahoo.co.in

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

[Physical Hearing/ Hybrid Hearing]

MINI PUSHKARNA, J. (ORAL):

1. By way of the present writ petition, the petitioner seeks directions against the respondents for considering the case of the petitioner for allotment of alternative plot of land in lieu of acquisition of the land bearing khasra no. 14/9(4-09), 12(4-16), 17(4-16), 18(4-16), 19(4-16), 20/1(2-12), 23(4-16), 24(5-10) total measuring 36 bighas 11 biswas at Village Lohar- Heri Palam vide award no. 161-86-87 dated 19.09.1986.

2. It is submitted that vide judgment dated 14.08.2020 in Civil Appeal no. 9049/2011, the Supreme Court has upheld the entitlement

of the petitioner company to the extent of 87% of the amount of compensation, as was held by the Learned ADJ vide its order dated 28.09.1989. The balance 13% compensation was given to Gaon Sabha against the acquisition of the land in question. Thus, it is submitted that the petitioner is entitled for alternative allotment of land, as per the policy of the respondents.

3. Mr. Yeeshu Jain, standing counsel appearing for the respondents submits that all the persons who are entitled for alternative allotment of plots have already been allotted the said plots. Thus, he submits that the petitioner as such has no case for alternative allotment of land.

4. Considering the submissions made before this Court, it is deemed expedient to dispose of the present writ petition with directions to the respondents to consider the present writ petition as representation and consider the case of the petitioner.

5. However, it is directed that all rights and contentions of the parties are kept open and this Court has not expressed any opinion on the merits of the case.

6. The respondents are given liberty to consider the representation of the petitioner for alternative allotment of land on merits. The respondents would also be at liberty to ask for any other documents that may be required for the purposes of considering the case of the petitioner.

7. Learned counsel for the petitioner submits that all requisite documents have already been submitted to the respondents. However, in case, there are any further documents that may be required by the

respondents, the petitioner may submit the same with the respondents.

8. It is directed that the representation of the petitioner shall be decided expeditiously by the respondents, preferably within a period of 10 weeks from today.

9. The petitioner shall be called for hearing by the respondents and given a personal hearing at the time of adjudication of his representation.

10. With the aforesaid directions, the present writ petition is disposed of along with pending applications.

MINI PUSHKARNA, J

JANUARY 19, 2023

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