

Shyam Singh Vs. Dda and anr.

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Court : Delhi

Decided On : Apr-18-2013

Judge : V. K. Jain

Appellant : Shyam Singh

Respondent : Dda and anr.

Judgement :

* IN THE HIGH COURT OF DELHI AT NEW DELHI % + Date of Decision:

18. 04.2013 W.P.(C) No.7960/2011 SHYAM SINGH Petitioner Through: Counsel for the petitioner versus DDA & ANR. Respondents Through: Ms.Lekha Mrija, Advocate for DDA. Mr.Sanjay Pathak, Advocate for Respondent No.2/GNCTD. CORAM: HON'BLE MR. JUSTICE V.K.JAIN JUDGMENT V.K.JAIN, J.

(ORAL) 1. The land of the petitioner having been acquired for planned development of Delhi, he applied for allotment of an alternative plot to him as per the policy of the respondents, vide application dated 21 st August, 2006. The grievance of the petitioner is that no recommendation has so far been made by Govt. of NCT of Delhi to DDA for allotment of an alternative plot to him. W.P.(C) No.7960/2011 page 1 o

2. The learned counsel for respondent No.2 Shri Sanjay Kumar Pathak states that the application of the petitioner for allotment of an alternative plot is yet to be

considered by the Govt. though it is not disputed that his land was acquired for planned development of Delhi and he had applied for allotment of an alternative plot on 21.8.2006 under the Scheme for Large Scale Acquisition Development and Disposal of Land in Delhi notified by the Govt. of India, vide its letter dated 2nd May, 1961. According to the learned counsel, the aforesaid Scheme is a welfare measure meant to rehabilitate those agriculturists whose land is acquired by the Govt. for Planned Development of Delhi. He relies upon the Full Bench decision of this Court in Ramanand vs. UOI & Ors. AIR 199.Delhi 29 holding therein that a person whose land has been acquired for Planned Development of Delhi has no absolute right to allotment of an alternative plot, though he is eligible to be considered for such an allotment under the Scheme of the Govt.

3. It is also stated in the reply filed by respondent No.2 that vide Circular dated 22nd November, 2006, Central Vigilance Commission had issued W.P.(C) No.7960/2011 page 2 of 4 guidelines and directed adherence to the Principle of first-cum-first serve. Consequently, an exercise was undertaken to streamline the record and the record has already been prepared and uploaded on the website of the Department. One list for the period from 1979-2000 contains the names of 1400 applicants whereas the other list contains 8025 names of persons who applied during the period 2001 onwards. The name of the petitioner figures at Serial No.5649 of the said seniority list prepared by the Govt. for the period 2001 onwards. The case of the petitioner, according to the respondent is to be considered on maturity of his turn in the seniority list maintained by them. For the present, the respondents are considering the applications for the period 1979 to 2000. The applications for subsequent period would be taken up later.

4. No fault can be found with the policy of the Govt. in adhering to the principle of first-cum-first served. Those who approached first for allotment of alternative plots must necessarily get preference over those who approached later for such an allotment. No preference to the petitioner, therefore, can be directed since any such direction would be discriminatory W.P.(C) No.7960/2011 page 3 of 4 to those who are already waiting for their turn to mature. Since the term of the petitioner has not matured as yet, no direction can be issued to the respondent Govt. of NCT to recommend an allotment for him.

5. In these circumstances, the writ petition is disposed of with the directions that the request of alternative plot in the name of the petitioner shall be duly processed, as per the policy of the respondents on maturity of his turn. If there is any deficiency in the documents filed by the petitioner, the same shall be conveyed to him within four weeks of his turn maturing and his application being taken up for processing the deficiency, if any, shall be removed by the petitioner within four weeks thereafter. The writ petition stands disposed of. V.K. JAIN, J.

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