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

+ W.P.(C) 74/2025

RAM KUMAR

.....Petitioner

Through: Mr. B.N. Gaur, Advocate.

versus

GOVT OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjay Kumar Pathak,
Standing Counsel with Mr. Sunil
Kumar Jha, Mr. M.S. Akhtar, Mr.
K.K. Kiran Pathak, Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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07.01.2025

CM APPL. 245/2025 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 74/2025

1. The petitioner seeks allotment of an alternative plot in lieu of acquired land, under a notification of the Government of India dated 02.05.1961.
2. It is the petitioner's contention that his land was acquired by Government of National Capital Territory of Delhi, under a notification dated 09.03.1992, but his application for allotment of an alternative plot was rejected, first on 19.06.2014, and again by the impugned order dated 08.11.2021. The first order dated 19.06.2014 was set aside by this Court



vide order dated 26.07.2016 in W.P.(C) 8401/2015, and the matter was remanded to the respondent for reconsideration. In the impugned order dated 08.11.2021, the only ground taken is that the appellant has a house in Abadi Deh as per the Tehsildar report. The order refers to the judgment of the Supreme Court in *Delhi Development Authority v. Jai Singh Kanwar* [Civil Appeal No. 8289/2010, dated 14.09.2011] and of this Court in *Surinder Singh Mann v. Govt. of NCT of Delhi* [W.P.(C) 12306/2015, decided on 25.08.2017].

3. Although the factual position that the petitioner has an ancestral right in a house located in Abadi Deh is not disputed by the petitioner, Mr. B.N. Gaur, learned counsel for the petitioner, relies upon the policy in question and the judgment of a coordinate bench in *Shri Jai Bhagwan & Anr. v. Land and Building Department & Anr.* [W.P.(C) 15740/2024, decided on 13.11.2024] to submit that ownership of a family house within the Abadi area is not a disqualification for allotment of an alternative plot.

4. Issue notice. Mr. Sanjay Kumar Pathak, learned Standing Counsel, accepts notice on behalf of the respondent.

5. Counter affidavit be filed within four weeks. Rejoinder thereto, if any, may be filed within two weeks thereafter.

6. List on 23.04.2025.

PRATEEK JALAN, J

JANUARY 7, 2025
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