

(2002) 10 SC CK 0010

In the Supreme Court Of India

Case No : ???R.P.Civil No. 1650 of 2002 ??R.P.(C) No. 001650 / 2002 ??R.P.(C) No. 001650 / 2002

Amolak Raj

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 30-10-2002

Acts Referred:

Delhi Development Authority (Disposal of Developed Nazul Land) Rules, 1981 — Rule 6

Citation : (2002) 10 JT 86

Hon'ble Judges : Shivaraj V. Patil, J; Doraiswamy Raju, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

1. Heard the learned counsel for the parties.

2. Under the policy for allotment of alternative residential plots to the persons whose lands have been acquired under the scheme of large scale acquisitions (development and disposal) of land in Delhi, the appellant made an application seeking allotment of a plot. The land and building department, Delhi administration, made a recommendation for allotment of plot of land measuring 250 sq. yds. to the appellant in west zone. In the recommendation, it is also stated that:

"The allotment of alternative plot is subject to availability of plot with DDA. However, it clearly be noted that this letter does not accord with it legal commitment for allotment of alternative plot."

3. Pursuant to the said recommendation, the appellant was allotted a plot of land in Rohini residential scheme bearing plot No. 52, pocket 16. sector 20 measuring 250 sq. yds. The appellant was not satisfied by the said allotment. He filed writ petition in the High Court seeking directions to the respondents for allotment of a plot of land measuring 800 sq. yds., in the west zone or in the alternative to issue appropriate direction for allotment of land measuring 250 sq. yds, as

recommended by the sponsoring authority and also to allot an industrial plot of 800 sq. yds., as per the policy of 1961. The High Court noticed that the policy for allotment has been modified from time to time as approved by the Lt. governor. The allotment of plot was made in favour of the appellant as per the modified policy prevailing then. The High Court dismissed the writ petition by the impugned judgment following its full bench decision in *Ramanand v. Union of India* and Ors. which was subsequently followed by another division bench in *Bagwana v. Union of India*, holding that where the alternative plot should be allotted whether zone-wise or locality-wise was a matter of policy; the policy of the respondents to allot plot zone-wise was not arbitrary; the High Court in the aforementioned full bench judgment had clearly stated that a land owner whose land has been acquired has no absolute vested right to claim allotment of a plot as a matter of right.

4. The learned counsel for the appellant contended that the appellant was entitled for allotment of a plot in terms of Rule 6 of the Nazrul rules i.e. DDA (Disposal of Developed Nazrul Land) Rules, 1981; even though plots are available in the area in which the appellant is claiming the allotment, he is denied the allotment; he also complained that the appellant did not receive any demand letter as stated in the impugned judgment.

5. On the other hand, the learned counsel for the respondent-DDA made submissions in support of the impugned judgment reiterating the contentions advanced before the High Court.

6. The full bench of the High Court in the case of *Ramanand* (supra), noticed in the impugned judgment, held that a person whose land has been acquired has no absolute vested right to claim allotment of a plot as a matter of right; of course if a scheme provides for allotment of alternative plot, the same could be considered based on the scheme and the policy; it is clear from the records that the scheme of allotment of alternative plots for the persons whose lands are acquired was modified from time to time; the appellant was allotted a plot as per the prevailing policy and the scheme as on the date of allotment. In our view, the appellant could not claim to be allotted a plot in a particular area of his choice, even the recommendation made in his favour as extracted above clearly shows that allotment of alternative plot was subject to availability of plot with the DDA and that recommendation for allotment was not a legal commitment for allotment of alternative plot. In this view, the High Court was right in dismissing the writ petition following its earlier full bench judgment. The contention that no letter of demand was received by the appellant to make payment in respect of the plot allotted is seriously disputed by the learned counsel for the respondent-DDA. However, the High Court left it open to the appellant to make payment of the amount as per the demand letter within a period of one month from the date of receipt of the order passed in the writ petition alongwith interest @ 18% per annum and subject to other conditions. It may not be necessary to go into the controversy whether the letter of demand was received by the appellant or not.

It may be enough if we grant some more time to make payment. We find no merit in the appeal in the light of what is stated above. Hence, it is dismissed. However, the time is extended by two months from today to make payment and to satisfy other conditions as stated in the impugned judgment.