
(2009) 10 DEL CK 0262
In the Delhi High Court
Case No : Writ Petition (C) 3271 of 2008

Dharam Raj

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 07-10-2009

Acts Referred:

Citation : (2009) 10 DEL CK 0262

Hon'ble Judges : Sanjiv Khanna, J

Bench : Single Bench

Advocate : Neeraj Chaudhari, CGSC, Khalid Arshad, for R-1 and 2 and Nawal Kishore Jha, for MCD, for the Respondent

Judgement

Sanjiv Khanna, J.—The petitioner claims right to an additional strip of land adjacent to the property bearing No. 44, Ram Puri Harijan Colony, Kalkaji, New Delhi. The petitioner has placed reliance on letter dated 7th December, 1970, by which the respondents had made an offer to allot the said additional strip of land measuring 100 square yards on payment of consideration and cost of Rs. 6,000/-. The amount had to be paid within 15 days. The amount was not paid and the proposal/offer had lapsed.

2. It, however, appears that the petitioner in 1971 occupied the said additional strip of land and even made construction thereon. He later on filed a civil suit for injunction, which was subsequently withdrawn. It may be noted that vide letter dated 31st August, 1981, the petitioner was informed by the respondents that the additional strip of land can be allotted to him on payment of Rs. 50,000/- within six weeks from the date of issue of the said letter. This payment was not made. In 1991 the petitioner deposited Rs. 6,000/-

3. The petitioner, it appears that has been in occupation of the additional strip of land since 1971 and has also made construction thereon up to two floors. Let the respondents examine the question whether the additional strip of land can be allotted to the petitioner at today's market price as per the new policy of 2000.

This is a peculiar case as the respondents since 1971 have not taken action for re-claiming the additional strip of land, which was occupied and constructed upon by the petitioner.

Relist this matter again on 10th February, 2010.

Dasti to the counsel for the parties.