
(2001) 08 NCDRC CK 0105

In the National Consumer Disputes Redressal Commission

Case No : 274 of 1996

H. R. Khurana

APPELLANT

Vs

Union of India and others

RESPONDENT

Date of Decision : 20-08-2001

Acts Referred:

[Land Acquisition Act, 1894](#), [Section 4](#) -
Publication of preliminary notification and powers of officers thereupon.

Citation : 2002 1 CPC 362 : 2002 2 AWC 127

Hon'ble Judges : D.P. Wadhwa, J.K. Mehra, Rajyalakshmi Rao, B. K. Taimni

Judgement

1. The present appeal arises out of the order passed by the Delhi State Consumer Disputes Redressal Commission.

2. Briefly stating, the facts of the case are that the appellant had purchased a plot of land measuring 500 sq. metres in agricultural area way back in November, 1971. The said plot of land along with lot of other areas was notified for acquisition under Section 4 of the Land Acquisition Act vide notification published on 17.11.1980. Notification under Section 6 was published on 2.9.1981 which was followed by the award by the Land Acquisition Collector. The Complainant/Appellant received initial compensation of Rs. 11,000 and another Rs. 90,000 on account of enhanced compensation allowed by the District Judge. The case of the appellant is that a scheme had been framed for allotment of the alternative plots in case of large scale acquisition, development and disposal of land in Delhi in 1961 and as the land of the complainant/appellant was acquired, he became eligible for allotment of an alternative plot in addition to the compensation received or to be received for the acquisition of his land. It is not in dispute that he made an application for such allotment on 8.10.1991. The allotment of alternative plot was denied to him on the ground that in pursuance to the public notice published in March, 1985, inviting application from persons whose land had been acquired under various awards announced between 16.11.1963 to 13.12.1988, all the applications were to be received latest by 1.5.1989 which was the last date for receiving the applications. It was pointed out that the

complainant failed to make any application by the last date namely, 1.5.1989. Even though his land had been acquired way back in November, 1971 and the authorities declined to entertain his application which was filed on 8.10.1991 being beyond time. The stand taken by O.P.-D.D.A. is that the applicant had no vested right for allotment of an alternative plot as held by the Delhi High Court in C.W.P. 623 of 1993. However, it was stated that the department which can deal with such an, application is the Land and Building Department arrayed as opposite party No. 2. It is only in cases where a suitable recommendation is made by the said authority to D.D.A. that it allots a plot. Since no recommendation was received by D.D.A. from O.P.-2. there was no question of allotment of an alternative plot to the complainant/appellant from D.D.A.

3. Mr. Dhingra, the special constituted Attorney of the appellant had contended that since full compensation had not yet been received, the application could not be said to be beyond time. This contention has rightly been rejected by the State Commission. The State Commission has adequately dealt with this point on examining the evidence and the facts of the case. We find that the State Commission has held that no relief could be granted by it as it was not competent to strike down the fixation of the last date for receipt of such applications. We are in agreement with the State Commission that the application was beyond time and the State Commission could not enlarge the time beyond the last date fixed under the scheme. The State Commission, however, left the appellant free to challenge the aforesaid time limit in appropriate proceedings in a proper court and seek his remedy. We do not propose to interfere with this part of the order also. In that view of the matter, we find no merit in this appeal. The first appeal is dismissed.