
(2009) 09 DEL CK 0010
In the Delhi High Court
Case No : Writ Petition (C) 3172 of 2008

Madhavi Devi

APPELLANT

Vs

Govt. of NCT of Delhi

RESPONDENT

Date of Decision : 03-09-2009

Acts Referred:

Land Acquisition Act, 1894 — Section 30, 31, 4

Citation : (2009) 09 DEL CK 0010

Hon'ble Judges : Sanjiv Khanna, J

Bench : Single Bench

Advocate : Manoj Singh, for the Appellant; Sanjay Poddar, for the Respondent

Final Decision : Dismissed

Judgement

Sanjiv Khanna, J.—The petitioner, Ms. Madhavi Devi, claims that she had purchased 200 square yards of land bearing plot No. 273 in khasra No. 46 in village Kondli on 18th April, 1974 for Rs. 1,500/-on the basis of power of attorney executed by the recorded bhumidar. The land in question was already acquired land under the Land Acquisition Act, 1894 vide award No. 84/A/72-73.

2. The petitioner on 30th June, 1981 and again on 19th October, 1981 filed an application for allotment of alternative land. She made a statement that a claim had been made by her for payment of compensation for the acquired land.

3. By letter dated 13th June, 1986, the petitioner's husband was informed that the case for alternative land has been rejected since the land acquired was less than 1 bigha.

4. The petitioner made another representation and by letter dated 10th September, 1987 she was asked to file an application in the prescribed form in duplicate along with documents like sale deed, compensation and affidavit. The petitioner filed an application in the prescribed form but her application was not accepted and vide letter dated 14th August, 1991 she was informed that the land purchased by the petitioner was through power of attorney and as such the

petitioner was not the lawful owner of the plot. This decision was reiterated again by the respondents by letter dated 28th December, 1991. The letter dated 28th December, 1991 further states that as per the policy only recorded owners of the acquired land prior to notification u/s 4 of the Land Acquisition Act, 1894 were entitled to allotment of alternative plot.

5. The petitioner has filed the present petition in 2008 seeking allotment of alternative land. She challenges rejection of her request for allotment of alternative land vide letters dated 13th June, 1986, 14th August, 1991 and 28th December, 1991. She relies upon the judgment passed by the learned Additional District Judge in LAC No. 45/1993 dated 15th October, 1998 deciding reference u/s 30/31 of the Land Acquisition Act, 1894 holding that the petitioner was entitled to compensation for the acquired land. It is accordingly submitted that delay and laches should not come in the way of the petitioner as she is entitled to allotment of alternative land. Reference is also made to representations made by the petitioner but it is admitted that the said representations have been rejected throughout. My attention in this regard is drawn to letter dated 30th April, 2003, whereby Government of NCT of Delhi, Land and Building Department, had informed the petitioner that she was not entitled to allotment of alternative land as she was not the recorded owner of the acquired land prior to the date of notification u/s 4 of the Land Acquisition Act, 1894.

6. The writ petition is clearly bad for delay and laches. As noted above, the application for allotment of alternative land was rejected way back in 1989 and then again in 1991. The said rejection was on account of the fact that the petitioner was not the recorded owner of the acquired land prior to the date of notification u/s 4 of the Land Acquisition Act, 1894. Decision in the reference proceedings u/s 30/31 of the Land Acquisition Act, 1894 did not result in any change or modification in the position. The petitioner never became the recorded owner in the revenue record. The only question decided in the reference u/s 30/31 of the Land Acquisition Act, 1894 related to payment of claim for compensation. The respondents vide letter dated 30th April, 2003 had again informed the petitioner that she was not entitled to alternative land in lieu of acquired land as she was not recorded owner prior to the date of issue of notification u/s 4 of the Land Acquisition Act, 1894. The delay between 2003 and 2008 is again not explained.

7. A Division Bench of this Court in Gulshan Vs. Government of NCT of Delhi, has held that a person, who is not recorded owner of the land prior to the date of issue of notification u/s 4 of the Land Acquisition Act, 1894, is not entitled to alternative plot under the policy/scheme. Admittedly, the land was acquired pursuant to award No. 84/A/72-73 in the year 1972-73. The petitioner claims that she had purchased the said land after the award on 18th April, 1974. The petitioner was admittedly not the bhumidar of the land when it was acquired. Subsequent purchaser is not entitled to alternative allotment. The writ petition accordingly has no merit and is dismissed.