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THE HIGH COURT OF DELHI AT NEW DELHI

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Judgment reserved on: 31.08.2012

Judgment delivered on: 19.10.2012

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WP(C) No. 10625/2009 & CM No.9481/2009 (stay)

AHUJA MASALA COMPANY PVT. LTD.

..... Petitioner

Vs

GOVT. OF NCT OF DELHI & ORS.

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. H.M. Singh and Ms. Shabana, Advocates

For the Respondent: Ms. Ruchi Sindhwani and Ms. Bandana Shukla, Advocates for Respondent No.1 & 2

Ms. Anusuya Salwan, Advocate for the respondent no.3/DSIIDC

CORAM :-

HON'BLE MR JUSTICE RAJIV SHAKDHER

RAJIV SHAKDHER, J

1. This writ petition is directed against the communication/decision dated 27.06.2008 of the respondents whereby the petitioner's claim for allotment of a land admeasuring 200 sq. meters has been rejected on the basis of the report of the respondent's sub-Committee dated 19.08.2003. In this context, a consequential prayer is also sought to allot a plot to the petitioner equivalent to the aforementioned area, on the basis of the total area under occupancy of the petitioner's unit and not on the basis of the plot area. A further declaration is also sought that non-allotment in the manner prayed, is both illegal and arbitrary.

2. The essential facts, which are necessary for adjudication of the present

writ petition are set out hereinafter :-

2.1. Respondent no.1 in 1995-1996, formulated a relocation scheme under the proposed Master Plan to relocate those small scale industries which were operating in the Walled City of Delhi or in the non-conforming area. Under the then prevailing scheme, Government of NCT of Delhi had proposed allotment of land in Narela, Jhilmil, Tahirpur, Badli, Patparganj, Okhla and in North Delhi near the proposed expressway.

2.2. It appears that respondent no.1 through Commissioner of Industries, in order to facilitate relocation, divided the industries into 17 categories. Applications were thus, accordingly invited. It appears that under the said scheme both flats and plots were available.

2.3. The petitioner, admittedly made an application for relocation of his unit on 26.12.1996 in the prescribed application form. Pertinently, under serial nos.4, 7 and 16 of the application form, following information was provided:-

“4. Particulars of existing industrial unit

(i) Full address of the Factory: A-10, LSC, Padam Nagar,
Kishan Ganj, Delhi

(ii) land use (Residential/ : commercial
Commercial)

(iii) Total area/covered area : 600 sq. ft. G.F.

(a) Area of plot. : 60 sq. mtr. F.F.

(b) Covered area of
The building : 600 sq. ft. basement

(c) Area occupied by the
Unit/Factory : As same above area of
unit

2222. sq. ft.”

“7. In case the requirement is for industrial: 200 sq.
plot,
then please specify approx. area of the
plot required”

“..Z. 16. List of documents attached

1. ...
2. Regarding Sl. No.
 1. ...
 2. ...
 3. ...
 4. ..
 5. ...
 6. ...
7. Site Plan/Key Plan....”

2.4. The aforementioned application was scrutinized by the Screening Committee constituted by respondent no.1 and 2. The said Screening Committee admittedly found the petitioner eligible for a plot of a size of 200 sq. meter.

2.5. The matter was, however, carried in the Appeal Committee, in respect of those applicants, who had been recommended for allotment of an industrial plot/flat. The Appeal Committee, however, made the following observations in its check-list

- | | | | |
|-------|---|---|--|
| “..5. | Area applied in Sqm. | : | 200 Sq. metre as per E.M. |
| 6. | Area occupied | : | |
| (a). | As mentioned in Col.No.4 (C) of the application form. | : | 600 Sq. feet. |
| (b). | Equivalent in sqm. | : | 54 Sq. metres |
| 7. | Area recommended | : | 100 sq. metre |
| 8. | Reason for earlier rejection | : | No government document prior to 19.04.1996 |
| 9. | Document relied upon for establishment of the eligibility of the unit | : | (1). PM & SSI Regd.
(2). MLL of local commissioner are with power requirement of 15.0 H.P. as per details of the machinery installed given in the application |

2.6. As would be evident from the above, the Appeal Committee recommended allotment of a plot of an area equivalent to 100 sq. meters as against that which was recommended by the Screening Committee. As indicted above, Screening Committee had recommended allotment of plot admeasuring 200 sq. meters.

2.7. The petitioner being obviously aggrieved, made a representation to respondent no.2 on 09.10.2001. In the representation of 09.10.2001, the petitioner claims that he had referred to an earlier representation of 1998. Pertinently, in this representation, the petitioner sought to bring to the notice of respondent no.2 that in its application dated 26.12.1996 it had clearly stated that the area under occupation qua the unit was 2222 sq. ft. and therefore, it had applied for being allotted a plot measuring 200 sq. meters. Importantly, the petitioner took a stand that in view of the fact that those applicants who had applied for 200 sq. meter plot and had been allotted a plot of 150 sq. meters, it should be meted out the same dispensation by being allotted a plot of 150 sq. meters.

2.8. The petitioner claims that since respondent no.2 found some merit in its representation, and accordingly, a site inspection was ordered. The inspection was carried out on 24.07.2002. The report of the Inspector dated 25.07.2002 makes the following pertinent observations :-

“.....This building measures 16’x40’ approximately and has basement with ground, first and second floors. At the basement grinding machine has filed, where work was going on. All other floors an used for packaging and storing. There is a laboratory also at 01st floor, where testing of species is carried out as explained by the proprietor. Thus the total area of the building in use is to the tune of 2222 sq. feet as contained by the unit in their representation. The site plan is available on file alongwith application, a copy of which is also available at of 30/C.

The unit had shown area of plot in their application as and approximately on the basis of this only 100 sq. metre has been recommended by the AC(IV). Since area occupied is about 189 sq. metre, the request of the unit for 150 sq. metre may be accepted please....” (emphasis supplied)

2.9. The petitioner claims that it took recourse to the provisions of the Right to Information Act, 2005 (in short RTI Act), whereupon it was discovered that the aforementioned report was directed to be placed before the Sub Committee which, despite the findings contained therein, vide order dated 19.08.2003 rejected the claim of the petitioner, without assigning any reasons. This aspect may have come to the knowledge of the petitioner much later since, the contents of the report, are not referred to in the petitioner's representation made in the year 2007. What is, however, not in dispute that a representation was made by the petitioner, on 03.01.2007, to respondent no.2. Respondent no.2 vide a communication dated 07.05.2007 noted that the petitioner had applied for an industrial plot of 200 sq. yds., since the area occupied by the unit was 600 sq. ft. equivalent to 55.2 sq. meters; double of which comes to 110.4 sq. meters - as per the prevailing policy, recommendation for allotment of a plot admeasuring 100 sq. meters was made. The petitioner being aggrieved, made several representations and also issued legal notices in that behalf between October, 2007 and May, 2008. According to the petitioner, representations were sent on: 22.10.2007, 30.11.2007, 24.12.2007 and 04.02.2008. These representations were followed by legal notice dated 03.04.2008 and a reminder dated 01.05.2008. The sum and substance of the representations and the legal notices was that in the application preferred by the petitioner, the area under occupation of the unit / factory against serial no.4(c) was 2222 sq. ft. and not 600 sq. ft. as had been wrongly construed by the Appeal Committee. The petitioner claims that

despite pointing out this fallacy, on 27.06.2008, it received a cryptic communication from the office of respondent no.2 in response to legal notice dated 03.04.2008 i.e., that the petitioner's case for enhancing the plot size to 150 sq. meters was considered by the Sub-Committee in its meeting held on 19.08.2003; to which I have already made a reference above and, had been rejected in the light of the policy framed. This response impelled the petitioner to issue a legal notice dated 01.10.2008. In this legal notice, the petitioner, inter alia, pointed out to the respondents that in several cases the respondents had allotted industrial plots to eligible applicants of sizes in the range of 150-250 sq. mtrs ***"on the basis of total covered area and not merely on ground floor area"***. The petitioner objected to the respondents applying a pick and choose policy. Since the petitioner did not get any reply to its legal notice, yet another legal notice was sent by the petitioner, on 10.06.2009, seeking allotment of a plot equivalent to 200 sq. mtrs area. The office of respondent no.2 responded to the legal notice dated 10.06.2009 by reiterating the fact that the Sub-Committee had considered the petitioner's request for allotment of a plot admeasuring 150 sq. mtrs at its meeting dated 19.08.2003, and on consideration, the same stood rejected. There was, however, no response to the petitioner's query with respect to the basis on which allotment had to be made, that is, whether it was made on the basis of plot area of the unit or, the area occupied by the unit / factory.

2.10. Aggrieved by the impugned communications of 27.06.2008 and 15.07.2009, the petitioner approached this court by way of a petition under Article 226 of the Constitution of India.

3. This writ petition came up for hearing on 03.08.2009 when, time was sought by counsels for respondents no.1 and 2 to seek instructions in the matter. After several dates, the matter was taken up on 01.12.2009 when, my predecessor made an observation that since the petitioner in its application had

adverted to the fact that it occupied 600 sq. ft. on basement, ground and first floor then how did it arrive at a figure of 2222 sq. ft. as the area under occupation of the unit. The respondents were thus, accordingly, directed to examine, whether there was any interpolation in the application form.

4. It appears that the respondents did send the petitioner's application form for examination by a handwriting expert. The handwriting expert vide its report dated 16.03.2010 opined that the "...tint and lusture of the ink of the writings in the red enclosed portion marked Q1 is different from the tint & lusture of the ink of the writings in the red enclosed portion marked Q1/1..."

5. On a perusal of the ordersheets, it is obvious that considerable time was taken by the parties to complete the pleadings. The respondents filed their affidavits on record, while the petitioner has filed its rejoinder. The petitioner has also filed an additional affidavit dated 20.01.2012 wherein, he has attempted to bring to fore two cases of discrimination. In the first case, which involves, Prem Printing Press which had declared a total area / covered area equivalent to 280 sq. ft. and, the area occupied by the unit / factory which, included a working hall and a godown, reportedly admeasuring, 385 sq. ft., had been recommended for allotment of a plot having an area of 150 sq. mtrs. Similarly, in the case of ODH (India) Spices Pvt. Ltd., which had declared a plot area of 40 sq. yds. and, the area of the unit /factory as 1596 sq. ft. (3 stories), had been recommended for allotment of a plot admeasuring 250 sq. mtrs.

5.1 The additional affidavit of the petitioner, annexed copies of the application, the allotment letter and the conveyance deed executed in favour of Prem Printing Press which, clearly establishes what was averred in the writ petition, which was that, Prem Printing Press had been allotted a plot admesuring 150 sq. mtrs and ODH (India) Species Pvt. Ltd. had been allotted a plot admeasuring 250 sq. mtrs.

6. A common counter affidavit was filed by respondent no.1 and 2, while respondent no.3 has filed a separate counter affidavit. Most of the facts set out above are not in dispute. In the counter affidavit of respondent no.1 and 2 emphasis has been laid on the fact that the petitioner in its application had indicated that the Screening Committee in its check-list against s.no.8 (b) having noted that the existing area was 600 sq. ft. and therefore, in terms of the policy, the petitioner was entitled to only twice the area of the plot occupied by the unit, and not, on the basis of area in occupation on each floor of the superstructure, which included the basement, ground floor and the first floor. In other words, the Screening Committee recommendation of 200 sq. mtrs was not, in consonance with its own check list, and that, the Appeal Committee's recommendations were in terms of the then existing policy. A reference was also made to the fact that the application of the petitioner was got examined by a forensic expert and the results obtained thereof. Based on this stand, respondent nos.1 and 2 came to the conclusion that the petitioner's case was correctly recommended, for allotment of a plot admeasuring 100 sq. mtrs. Importantly, the averments made by the petitioner regarding allotment to Prem Printing Press and ODH (India) Spices Pvt. Ltd. in paragraphs 12 and 13 of the writ petition were completely side stepped.

7. Respondent no.3, on the other hand, in its counter affidavit, took the stand that, it was purely an implementing agency. The task of relocation of industries was entrusted to respondent no.1. Respondent no.3 also alluded to the fact that, the total applications which were received by it were 51,851 out of which 23,948 were found eligible for allotment of plots at the relevant time. It went on to aver that, that they had, however, till the date of filing of the affidavit found 27,750 units eligible under the relocation scheme. It went on to aver that, given the fact that, the land available was far less than the number of eligible units, a High Power Implementation Committee of respondent

no.3, had taken a decision that the size of the plot recommended for allotment should not exceed twice the area occupied by the unit, though this restriction was not imposed qua flats. It further averred that, a decision was also taken that, in no case the maximum area of the plot offered on relocation would exceed 250 sq. mtrs. Respondent no.3 also averred that various policies on the issue were published from time to time, which were publicly notified; one such policy decision, which is, appended to the counter affidavit is dated 20.07.1999. Like respondent nos.1 and 2, it also took the stand that the Sub-Committee of respondent no.3, had considered the representation of the petitioner dated 09.10.2001, which was, rejected on 13.08.2003 (sic 19.08.2003). In its counter affidavit respondent no.3 disclosed that the Sub Committee, which took this decision, comprised of the Secretary-cum-Commissioner of Industries, Managing Director, DSIIDC (Respondent no.3) and General Manager, DFC. The affidavit also alluded to the fact that, the petitioner's application was referred to a forensic expert and his opinion in that regard.

SUBMISSIONS OF COUNSELS

8. Arguments on behalf of the petitioner was advanced by Mr. H.M. Singh. Respondent no.1 and 2 were represented by Ms. Ruchi Sindhwani, while respondent no.3 was represented by Ms. Anusuya Salwan, Advocate.

9. Mr. Singh after taking me through the documents placed on record and the pleadings made in support of the case, principally made the point that the respondents had incorrectly noted down that, the area under occupation of the unit/factory was 600 sq. ft.; though in the application the petitioner had clearly stated that the area involved was equivalent to 2222 sq. ft. Mr. Singh submitted that the Screening Committee had correctly appreciated the contents of the petitioner's application, and thus, proceeded to recommend a plot admeasuring 200 sq. mtrs. The Appeal Committee on the other hand,

having wrongly noted the information given against serial no.4(c) of the application form i.e., the area occupied by the unit / factory as 600 sq. ft., proceeded to erroneously recommend allotment of plot to the petitioner equivalent to 100 sq. mtr. According to Mr. Singh, this mistake was repeated by the Sub-Committee in its decision of 19.08.2003 in ignorance of the site inspection report of 25.07.2002. Mr. Singh contended that two impugned communications dated 27.06.2008 and 15.07.2009 parroted the erroneous decision of the Sub-Committee dated 19.08.2003. It was Mr. Singh's submission that the application filed by the petitioner had placed on record the site plan of the unit, and therefore, no mistake whatsoever could have been made by the Screening Committee in recommending an allotment of a plot to the petitioner equivalent to 200 sq. mtrs. Mr. Singh also adverted to the decisions taken in the case of Prem Printing Press and ODH (India) Spices Pvt. Ltd. to emphasise that the respondents had adopted a pick and choose policy, to the detriment of various applicants, which included the petitioner as well.

10. On behalf of the respondents, it was argued that the policy required allotment of a plot to an applicant, twice the area occupied by the unit/factory. In the petitioner's case, since the area in occupation was 600 sq. ft., which was equivalent to 55.20 sq. mtrs, a plot of 100 sq. mtrs was recommended for allotment after rounding of the area in occupation. Reference was also made to the forensic report dated 16.03.2010, to suggest that the petitioner was guilty of interpolation. Ms. Salwan who appeared for respondent no.3 was, however, not able to explain as to how and why plots had been allotted to Prem Printing Press and ODH (India) Spices Pvt. Ltd. of sizes admeasuring 150 sq. mtrs and 250 sq. mtrs respectively, when the area of the plot was 280 sq. ft. in one case and 40 sq. yds. in other case. Ms. Salwan simply submitted that in several cases allotments had been made beyond what an applicant was

eligible for and therefore, a challenge to the corrective course adopted by the said respondent, in batch of petitions, had reached the Supreme Court in SLP No.15620-21/2008, wherein the Supreme Court vide its order dated 16.02.2010 had passed the following directions :-

“....We are also of the view that wherever the cancelled plot of any of the respondents, has been re-allotted to someone else, the re-allotment need not be disturbed but DSIDC should allot a similar sized plot in the industrial area to the respondent

10. We therefore dispose of these appeals making the following modifications in the order of the High Court to do complete justice between the parties and to file a solution to the problem:-

- (i) wherever the cancelled plot of a respondent has not been allotted to anyone else, cancellation of allotment shall stand set aside. The earlier allotment made by DSIDC shall restore the plot to the respondent-allottee.
- (ii) where DSIDC, after cancellation, has re-allotted the plot of any respondent-allottee to some other oustee, DSIDC shall allot a plot of similar size in any other part of the Bawana Industrial Area.
- (iii) In cases falling under para (i) or (ii) above, the price payable by the allottee shall be Rs. 4200/- per sq. m. for the entitled area (that is double the area of his unit before ouster from Delhi) and Rs 8400/- per sq. m. for the excess area of the plot.
- (iv) where any of the respondent/ allottee is not willing to pay the enhanced price for the difference in area, DSIDC may offer a plot of one size lower than the plot that was earlier allotted to them, subject to a minimum of 100 sq. mtr. (that is, where the allotment was of a plot of 250 sq. m. the alternative allotment

should be of 200 sq. m. plot or where the earlier allotment was of a plot of 150 sq. m., the alternative allotment of a plot of 100 sq. m.). In such cases, DSIDC shall neither claim any difference in price, nor shall be liable to refund any amount for the reduction of 50 sq. m.

- (v) DSIDC shall complete the process of restoration or allotment of alternative plots, as the case may be, in the same industrial area (Bawana) within six months from today.....”

10.1. On a query being put to Ms. Salwan as to whether the petitioner's case was one of those which was covered or formed a part of the proceedings of the Supreme Court referred to hereinabove, Ms Salwan responded by saying that there was nothing on record to show that the petitioner's case was one of those which was covered by the aforementioned judgment of the Supreme Court. Ms. Salwan also submitted that, mere fact that plots beyond what was permissible under the policy being allotted to Prem Printing Press and ODH (India) Spices Pvt. Ltd., would not help the cause of the petitioner, as two wrongs would not entitle the petitioner to relief which was otherwise against the policy parameters. In support of this contention, reliance was placed on the judgment of this court in DSIDC Vs. Naresh Gupta, 128(2006) DLT 777.

REASONS

11. Having heard the learned counsels for the parties and perused the record, what emerges is as follows :-

11.1 The respondents had floated a policy in 1995-1996, for relocation of industrial units which were found to be operative in non-conforming zones.

11.2 Since the petitioner's industrial unit was closed down, it made an application for allotment of a plot on 26.12.1996. In the application under serial no.4(iii), it disclosed the following information :-

Total area : 600 sq. ft. (ground floor);

a). Area of plot : 60 sq. mtrs (first floor);

b). Covered area of the building : 600 sq. ft. (basement); and

c). lastly, area occupied by the unit/factory 2222 sq. ft.

11.3 It is obvious that even as per the petitioner, the plot area was 60 sq. mtrs., and that, even if the area of the unit/factory on each floor including the basement was added, it could not have added up to 2222 sq. ft. The total area under this head would have added up only to 1800 sq. ft.

11.4 The petitioner had made a representation on 09.10.2001 wherein, it had admittedly scaled down its request for allotment of a plot admeasuring 200 sq. mtrs to one which had an area of 150 sq. mtrs.

11.5 The respondents had ordered an inspection at site, wherein the Inspector in his report of 25.07.2002 had observed, in effect, that the Appeal Committee had recommended an area of 100 sq. mtrs. since the area of the plot was taken into consideration. However, if the area occupied is taken into the consideration, which according to the report was 189 sq. mtrs., the petitioner's request for a plot admeasuring 150 sq. mtrs, should be accepted.

11.6 What has also emerged is that, the Sub-Committee examined the case of the petitioner on 19.08.2003. It is not denied by the respondents in their counter affidavits that this examination got propelled on account of the information which got revealed pursuant to the site inspection report. The Sub-Committee, which comprised of the Secretary-cum-Commissioner of Industries as well as the Managing Director of respondent no.3 and the General Manager of DFC, rejected the claim of the petitioner.

11.7 Thereafter, despite series of representations made by the petitioner in 2007, 2008 and 2009. At each stage, the respondents rejected the petitioner's case. The first rejection came vide communication dated 07.05.2007, wherein it was indicated that since the area occupied by the unit was shown as 600 sq.

ft., which was equivalent to 55.2 sq. mtrs., the petitioner's case was recommended for allotment of a plot of 100 sq. mtrs. This stand was reiterated in the two impugned communications dated 27.06.2008 and 15.07.2009; though reliance in these communications was placed on the decision taken by the Sub-Committee at its meeting dated 19.08.2003.

11.8 On a perusal of the documentation, what emerges is that the Screening Committee made a vital mistake in recording against paragraph 8 (b) of its check-list, the following information :-

Existing area : 600 sq. ft.

11.9 Though fortuitously it made a recommendation in favour of the petitioner for a plot size of 200 sq. mtrs. The Appeal Committee, without examining the information, which was reflected against serial no.4(c) of the application i.e., area occupied by the unit / factory appears to have erroneously lifted the information from the check-list of the Screening Committee and come to the conclusion that the petitioner could be allotted a plot admeasuring 100 sq. mtrs as the area against serial no.4(c) i.e., area under occupation of the unit/factory was 600 sq. ft.; The petitioner, on the other hand, quite clearly had referred to a much larger area which is 2222 sq. ft. This was obviously incorrect even as per the petitioner's stand since it had claimed that the unit occupied 600 sq. ft. each on basement, ground floor and first floor. The plot area was 60 sq. mtrs. Therefore, even according to the petitioner, the total area occupied by the unit/factory could have been only 1800 sq. ft.

12. This fact appears to have been brought out in the inspection report, wherein it is observed that the area in occupation of the unit/factory was 189 sq. mtrs and therefore, a recommendation should be issued in favour of the petitioner for a plot size of 150 sq. mtrs. The inspection report has not been

assailed by the respondents, as this is a document generated by their agent. If that be so, then the opinion rendered by the forensic expert loses much of its significance.

12.1 Firstly, for the reason that all that the report opines and concludes is that two separate inks have been used in penning down information under various heads against serial no.4(c) of the application form. Secondly, the fact that two different kinds of inks had been used, would not necessarily lead to a conclusion that the information was wrong except to the extent that the petitioner made a wrong calculation with regard to the total area under occupation of the unit/factory. This is more so, in this case, as whatever doubts were there, with regard to the information supplied by the petitioner in the application form, were cleared by the Inspection Report.

12.2 Therefore, if the inspection report is to be believed and there is nothing stated either in the counter affidavit or, argued before me, by the counsel for the respondents, the petitioner ought to be entitled to a plot admeasuring 150 sq. mtrs. if the basis is the area occupied by unit/factory.

13. Before me, Ms. Salwan attempted to argue that, the policy required allotment of a plot twice the size of the area of the plot on which the unit/factory was situate. This is also the stand taken by respondent nos.1 and 2 in the counter affidavit . However, the counter affidavit of respondent no.3 / DSIIDC clearly uses the language of its policy document dated 20.07.1999, which requires the respondents to allot a plot twice the size of the area occupied by the unit/factory.

13.1 There is another way of analyzing this problem, if as contended the policy was to allot plot, based on the area of the plot on which the unit/factory was situate then, in the application, against serial no.4(iii), the following information would not have been sought : (a). total area/covered area; area of the plot, (b). covered area of the building and (c) area occupied by the

building / factory.

13.2 This aspect also comes to fore upon a perusal of the check-list of the Appeal Committee where, specifically, the information sought against serial no.6(a) is : "As mentioned in Column 4(c) of the application form". It is another matter that the Appeal Committee erroneously, recorded the information against this column as 600 sq. ft.; which as discussed above, appears to have been lifted from the check-list of the Screening Committee.

13.3 The fact that the petitioner also made a mistake in noting down the area against serial no.4(iii)(c) as 2222 sq. ft. will not deprive him for allotment of a plot admeasuring 150 sq. mtrs in view of the inspection report dated 25.07.2002.

13.4 There is thus, a clear intrinsic evidence that, what the policy conceived is to give plot sizes which were twice the area occupied by the unit/factory, which in turn, depended on whether the area was occupied at one level, or as in certain cases, on different levels of the superstructure erected on the original plot. If that was not the purpose, then the application form and the check-list would not have sought for information, which was provided under serial no.4(iii)(c) of the application form.

13.5 In view of the aforesaid, one really does not have to examine the reasons why plots of larger sizes were allotted to Prem Printing Press and ODH (India) Spices Pvt. Limited. In my opinion, the petitioner succeeds on the merits of its own case.

14. Accordingly, in view of the discussion above, the impugned communication dated 27.06.2008 and 15.07.2009 are set aside. The respondents are directed to allot to the petitioner a plot admeasuring 150 sq. mtrs. The needful shall be done within four weeks from today.

15. The writ petition is disposed of with the aforesaid observations. Cost shall follow the result of the petition.

RAJIV SHAKDHER, J

OCTOBER 19, 2012

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