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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 1313/2015

RAJ SINGH MALIK Petitioner
Through: Mr. Naresh K. Daksh, Adv.

versus

LAND & BUILDING DEPARTMENT Respondent
Through: Mr. B. Malhotra and Mr. Chaitanya,
Adv.

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **30.07.2015**

1. The principal grievance of the petitioner is that despite order dated 08.07.2009 of this Court, passed in W.P.(C) No.4043/2008, titled: ***Sulekh Malik v. Government of NCT of Delhi***, there has been no compliance by the respondent.
2. The petitioner claims to be one of the legal heirs of Late Mr. Mohan Lal, whose land, situate in Khasra No.289 and 293, in the revenue estate of village Masoodpur, Delhi, was acquired.
3. In view of the acquisition of the said land, the respondent was directed to allot an alternate plot in favour of all legal heirs of Late Mr.Mohan Lal, which included the petitioner herein. This direction came to be passed as the petitioner in W.P.(C) No.4043/2008 (i.e. Mr. Sulekh Malik), conceded that such a direction could be passed by the court to do away with the impediment placed in the allotment of alternate plot by the petitioner herein, who was noticed as the complainant by the court, while

passing the order dated 8.7.2009.

4. While disposing of W.P.(C) No.4043/2008, the respondent, had been given a time frame of three (3) months.

5. The respondent, however, for reasons best known to it, made a recommendation only in favour of Mr. Sulekh Malik (i.e. the petitioner in W.P.(C) No.4043/2008). This letter, which is, dated 29.6.2012, was addressed by the respondent to the Commissioner (Land), Delhi Development Authority, (in short the DDA), New Delhi. The record shows that the respondent attempted to correct the course by issuing a clarificatory letter dated 12.7.2012 to the Commissioner (Land Disposal), DDA, New Delhi. By virtue of this letter, the DDA clarified that in view of the order of this Court, allotment should be made by the DDA in the name of all legal heirs of Late Mr Mohan Lal, which included the petitioner herein (i.e. Mr. Raj Singh) as also, Gian Singh, Dhan Kaur, Pushpa, Sat Kaur, Rani, Rajwanti Sumitra and Mr. Sulekh Malik.

6. The petitioner herein, however, was not satisfied and, therefore, made representation to officers of the respondent. The representation is dated 28.5.2014. The representation was followed by a notice served upon the respondent via its advocate, dated 2.8.2014.

7. Since, corrective measures were not taken, the petitioner, approached this Court via the instant writ petition.

8. Notice in this writ petition was issued on 11.3.2015.

9. The respondent entered appearance in the matter, however, no counter affidavit has been filed, to date. Mr.Malhotra, who appears for the respondent, says that no counter affidavit is required, and that, he would argue the matter based on the record.

10. I have heard the counsels for the parties.

11. The principal stand, in opposition, taken by the respondent in this behalf, is that, since a clarificatory letter has already been issued, the grievance of the petitioner has been taken care of.

12. Counsel for the petitioner argues to the contrary and seeks compliance with the order passed by this Court, on 8.7.2009, in W.P.(C) No.4043/2008.

13. Having heard learned counsels for the parties, I am inclined to agree with the submission made by the counsel for the petitioner.

14. The operative directions issued by this court on 8.7.2009 were as follows:-

“Counsel for the petitioner states today that to resolve the said dispute, the respondent may be directed to allot the alternate plot in question collectively to all the legal heirs of late Shri Mohan Lal, including the complainant, Shri Raj Singh Malik and that the dispute interse the siblings of late Shri Mohan Lal may be left to be decided by the Civil Court, as and when approached.

The aforesaid proposal of the petitioner is reasonable and acceptable. The writ petition is disposed of with directions to the respondent to allot the alternate plot to all the legal heirs of late Shri Mohan Lal, in lieu of his land acquired by the respondent.”

15. The writ petition was disposed of with a direction that the respondent would allot the alternate plot to all legal heirs of Late Mr. Mohan Lal in lieu of the acquired land.

16. It is not disputed before me by the learned counsel for the respondent that the first step towards allotment would be a recommendation of the respondent as the allotment has to be made by the DDA. The apprehension

of the petitioner, is that, since a recommendatory letter dated 29.6.2012 is only in the name of Mr. Sulekh Malik, it is likely to be misused by the said person, who is one of the many legal heirs of Late Mr. Mohan Lal. This grievance of the petitioner appears to be legitimate.

17. Accordingly, the respondent is directed to issue a fresh recommendatory letter in supersession of letter dated 29.6.2012, which would bear out that the recommendation is made in the name of all legal heirs of Late Mr. Mohan Lal.

18. For this purpose, all necessary steps which are required in law will be taken by the respondent.

19. Needless to say, this exercise will be completed with expedition though not later than two (2) months from today.

20. Dasti.

RAJIV SHAKDHER, J

JULY 30, 2015

s.pal