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

+ W.P.(C) 1444/2015

VIJAY MAINI

..... Petitioner

Through: Ms. Richa Kapoor, Adv.

versus

GOVERNMENT OF NCT OF DELHI & ANR Respondents

Through: Mr. Puneet Agrawal, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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24.08.2015

1. This is a writ petition directed against communication dated 27.10.2014 whereby respondent No.2 has rejected petitioner's application for allotment of an alternate plot against the acquired land.
2. Notice in this petition was issued on 20.3.2015 despite which counter affidavit has not been filed on behalf of the respondents.
3. Mr. Agrawal, who appears for the respondents, says that the matter can be disposed of based on the record available with the court.
4. To be noted, on the previous date I had asked the learned counsel for the petitioner to file copies of documents which were referred to in letter dated 29.1.2015; appended as Annexure P-8 to the instant writ petition.
5. The petitioner has filed an affidavit appending therewith copy of the municipal tax receipt of the owner of the house bearing No.11/371, Sunder Vihar, Paschim Vihar, Delhi (in short the Sunder Vihar property); copy of the affidavit of the owner of the Sunder Vihar property; and lastly a copy of the certificate issued by the Defence Ministry Employees' Cooperative Group Housing Society Limited.

5.1 The last document has been filed, apparently, by the petitioner to establish a tenancy in Flat No.C-26, Raksha Kunj, Paschim Vihar, Delhi (in short the Raksha Kunj property) during the period 1986 to 2002.

6. A perusal of the impugned communication would show that respondent No.1 has principally rejected the petitioner's application for allotment of alternate plot on the ground that he was unable to clarify the occupancy status with regard to the Sunder Vihar property and Raksha Kunj property despite issuance of letters dated 11.9.2013 and 12.2.2014.

7. It is the case of the petitioner, which is reflected in the affidavit dated 20.8.2014, that the aforesaid letters were not received by him.

8. Having regard to the additional affidavit and copies of the documents appended therewith, I am of the view that respondent No.1 should re-visit the issue after examining the documents appended with the aforementioned affidavit.

9. Accordingly, the impugned communication dated 27.10.2014 is set aside.

10. The recommendation committee constituted by the respondents will issue a fresh notice to the petitioner indicating therein the date, time and venue where he is required to present himself. The recommendation committee shall accord a personal hearing to the petitioner. If necessary, the notice shall indicate as to whether or not the petitioner is to carry any documents.

10.1 In such an eventuality, the petitioner will carry the originals of the documents sought, if available and not already filed with the respondent.

11. The recommendation committee after hearing the petitioner will pass a speaking order.
12. A copy of the order so passed will be served on the petitioner within two weeks thereafter.
- 12.1 Needless to say, the entire exercise will be completed with due expedition though not later than four months from today.
13. The writ petition is disposed of on the above terms.

RAJIV SHAKDHER, J

AUGUST 24, 2015

s.pal

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