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

+ **W.P.(C) 2143/2015**

MANOJ KUMAR GARG

..... Petitioner

Through: Mr. Devesh Pratap Singh, Advocate

versus

LAND AND BUILDING DEPARTMENT

..... Respondent

Through: Mr. Yeeshu Jain and Ms. Jyoti Tyagi,
Advocates

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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17.07.2015

1. This writ petition is directed against the communication dated 23.06.2014. By virtue of this order, Land and Building Department has rejected the petitioner's application for grant of an alternate land.

2. The two reasons given in the impugned order are :-

2.1 Failure to produce the proper indemnity bond in favour of the President of India via Land and Building Department.

2.2 Proof of occupancy status of property bearing no.F-6/15, Sector-15, Rohini, Delhi-89.

3. The learned counsel for the petitioner has drawn my attention to the communications dated 25.04.2013, 19.06.2013 and 17.12.2013 to demonstrate that both the alleged deficiencies stood fulfilled though, prior to the issuance of the impugned communication. The aforementioned letters are appended at pages 22, 25 and 26 of the paper book.

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3. Notice in the petition was issued on 04.03.2015 despite which, no counter affidavit has been filed on behalf of the respondent.

4. In these circumstances, the impugned communication is set aside. The Recommendation Committee will issue a notice for personal appearance of the petitioner setting out therein the date, time and venue wherein the petitioner is to present himself.

4.1 The petitioner will carry with him copies of the documents referred to in letter dated 23.06.2014 having regard to the fact that it is the petitioner's stand that he has already filed the originals of the said documents with the respondent.

4.2 Upon hearing the petitioner, the respondent will pass a fresh speaking order setting out reasons in case it decides not to allow the petitioner's application.

5. The captioned petition is accordingly disposed of.

5.1 Needless to say, the aforementioned exercise will be completed with due expedition though no later than 3 months from today.

RAJIV SHAKDHER, J

JULY 17, 2015

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