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

+ **W.P.(C) 7496/2014 & CM No. 17746/2014**

AJIT SINGH

..... Petitioner

Through: Mr M.K. Vashisht, Adv.

versus

UOI AND ORS

..... Respondents

Through: Mr Vinod Kumar Tiwari, Adv. for R-1.
Mr Yeeshu Jain & Ms Jyoti Tyagi, Advs. for R-2.
Mr Abhishek Kr. Singh, Adv. for Mr Kunal
Sharma, Adv. for for R-3.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

26.08.2015

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1. By virtue of the captioned writ petition directions are sought qua the respondents for allotment of an alternate plot as per the scheme/ policy dated 02.05.1961, formulated by them.
2. It is the stand of the petitioner that even though he is entitled to an alternate plot in terms of the aforesaid policy, the application filed, for this purpose, has been erroneously rejected on the ground that the entire land of the petitioner was not acquired. It is averred that, inadvertently, in the application, a reference had been made to khasra no. 239/2(2-9) situate in village Dhulsiras, which was in fact not the land owned by him.
3. The petitioner herein challenges the communication dated 15.07.2014 whereby the petitioner's application for allotment of an alternate plot was rejected. Notice in this petition was issued on 03.11.2014. Despite

notice, no counter affidavit has been filed in the matter by respondent no. 1 and 2. Only respondent no.3 i.e. DDA has filed a counter affidavit. In these circumstances, the assertions made in the writ petition essentially have gone untraversed by respondent no. 1 and 2.

4. Mr. Vashisht, has drawn my attention to letter dated 28.06.2014 (annexure P-5), whereby it was sought to be brought to the notice of the respondents, in particular, respondent no.2, that the entire land had been acquired and, furthermore, the reference to khasra no. 239/2(2-9), was made, inadvertently.

4.1 It is also the submission of Mr. Vashisht that the acquired land was owned by the petitioner along with his two siblings (i.e. brothers), one of whom, upon acquisition has already been recommended by the respondents for allotment of an alternate plot. I am informed that the said brother of the petitioner goes by the name of Mr Bhagwat Dayal. To be noted, in the letter dated 28.06.2014, there is a reference not only to this fact but also to file number of Mr Bhagwat Dayal's case.

5. Having regard to the aforesaid circumstances, I am inclined to allow the writ petition and to consequently, direct the respondent to reconsider the case of the petitioner. Accordingly, the impugned letter dated 15.07.2014, is set aside.

6. The recommendation committee, so constituted by respondent no.2, is directed to reconsider the case of the petitioner. For this purpose, the recommendation committee will issue a notice to the petitioner indicating therein the date, time and venue at which he would be required to present himself. The notice will indicate the documents, if any, which the petitioner is required to place before the recommendation committee. The

recommendation committee will accord a personal hearing to him and, thereafter, pass a speaking order. The petitioner will be furnished a copy of the speaking order within two (2) weeks of the same being passed.

7. Needless to say, the aforesaid exercise will be completed with due expedition, though not later than four (4) months from today. In case the application of the petitioner is allowed by the recommendation committee, in that eventuality, the petitioner will retain the same seniority as he would have had got, had his application been allowed in the first instance.

8. The writ petition and the application are, accordingly, disposed of.

RAJIV SHAKDHER, J

AUGUST 26, 2015

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