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

+ W.P.(C) 7314/2014 & CM No. 17108/2014

SURJIT SINGH (DECEASED)

THR. LRS.

..... Petitioner

Through: Mr M.K. Vashisht, Adv.

versus

UOI AND ORS

..... Respondents

Through: Mr Vinod Kumar Tiwari, Adv. for R-1.

Ms Deepika, Adv. for R-2.

Mr Sanjay Singh, Adv. 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. To be noted, the LR's of the petitioner i.e. Mr Surjit Singh, were brought on record by order dated 15.04.2015, passed by the learned Registrar.

2. It is the stand of the LR's of the petitioner that even though they are 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 their predecessor-in-interest 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 their predecessor-in-interest.

3. Notice in this petition was issued on 03.12.2014 after had been taken

to amend the writ petition. The amendment application being: CM No. 18000/2014, was also allowed, on the said date. The amendment sought was, essentially, for the purposes of assailing the communication dated 15.07.2014 whereby, the application for allotment of an alternate plot was rejected.

3.1 Pertinently, despite notice, no counter affidavit has been filed in the matter. In these circumstances, the assertions made in the writ petition essentially have gone untraversed.

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 deceased 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.

4.2 To be noted, in the letter dated 28.06.2014, there is a reference not only to this fact but also to the 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 LRs of the petitioner indicating therein the date, time and venue at which they would be required to present themselves. The notice will indicate the documents, if any, which they would be required to place before the recommendation committee. The recommendation committee will accord a personal hearing to them and, thereafter, pass a speaking order. The LRs of 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, the LRs of the petitioner will retain the same seniority as they would have got, had their 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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