$~32

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

\+ W.P.(C) 4836/2015 & CM No. 8735/2015

SANGEETA CHUGH ..... Petitioner
Through: Mr A.K. Singla, Sr. Adv. with Mr Sushil Jaswal & Mr Rocky Khan, Advs.

versus

GOVT. OF NCT OF DELHI ..... Respondent
Through: Mr Yeeshu Jain & Ms Jyoti Tyagi, Advs.

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER

O R D E R

% 26.08.2015

1. This writ petition is directed against communication dated 04.08.2014 issued by the respondent. By virtue of the impugned communication, the petitioner's application for allotment of an alternate plot in lieu of acquired land stood rejected by the recommendation committee of the respondent on the sole ground that the petitioner "is having urbanised properties in her name at house No. A-10, Block-M/5, MIG Category, Jhulelal Apartment, Road No. 44, Pitam Pura, Delhi -34".

1.1 In effect, what the respondent sought to communicate was that, the petitioner, was the owner of the aforementioned property.

2. Mr Singla, learned senior counsel for the petitioner, has brought to my notice the communication dated 20.03.2014 addressed by the petitioner to the respondent in response to letter dated 11.03.2014, whereby, inter alia, amongst other documents, the rent receipt pertaining to the aforementioned property was submitted. Mr Singla says that this crucial document was not

examined by the recommendation committee and hence the error in reaching the conclusion in the impugned communication.

3. Since, copies of the rent receipts were not filed, the petitioner was directed to do the needful by this court vide order dated 06.08.2015. Since then, copy of a rent receipt dated 02.03.2014, as also a certificate issued by the Jhulelal Sindhu Nagar Co-op. Group Housing Society Ltd. Dated 20.08.2008, has been placed on record.

4. Mr Jain, who appears for the respondent, says that the recommendation committee could reconsider the case of the petitioner in view of what is stated in the writ petition.

5. Accordingly, the impugned communication dated 04.08.2014, is set aside. The recommendation committee, so constituted by the respondent, 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 petitioner will carry the original of the documents so sought, with her. The recommendation committee will accord a personal hearing to the petitioner and, thereafter, pass a speaking order. The petitioner, will be furnished, a copy of the speaking order within two weeks of the same being passed.

6. 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 petitioner, will retain the same seniority as he would have had obtained, had his application been allowed in the first instance.

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

RAJIV SHAKDHER, J

AUGUST 26, 2015
kk