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

+ **W.P.(C) 8464/2014**

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..... Petitioner

Through: Ms. Smita Maan, Mr. Vishal Maan, Mr.
Paritosh Tomar and Mr. Aditya Singh, Advocates

versus

GOVT. OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Siddhartha Panda, Advocate for R-1
Mr. Jayendra, Advocate for R-2/DDA

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

17.07.2015

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1. By this writ petition, a prayer is made for seeking a direction in the form of a mandamus qua respondent no.1 to make a recommendation to respondent no.2 for allotment of an alternate plot to the petitioner.

1.1 The petitioner avers that his land was acquired, and that, the only reason his application for allotment of an alternate plot was rejected, is that, he had failed to file an affidavit within a period of two (2) weeks in terms of orders dated 18.12.2013, passed in WP(C) 8025/2013, entitled : Sudhir Dagar and Anr. Vs. Land and Building Department and Anr.

1.2 The learned counsel for the petitioner says that vide order dated 03.09.2014, the respondents erroneously rejected the petitioner's case without application of mind, that the, present petitioner was not a party to those proceedings. It is conceded though by the learned counsel for the petitioner that the said writ petition was filed by Sudhir Dagar, who is a co-

owner of the subject land.

1.3 It is averred by the learned counsel for the petitioner that the reason Sudhir Dagar and the other petitioner in WP(C) 8025/2013 had approached this court was that, their names did not find mention in the seniority list maintained by the L& B Department, Govt. of NCT of Delhi.

1.4 It is also the case of the petitioner herein that in so far as he is concerned, his name, in the seniority list, appeared at serial no.74 and, therefore, there was no occasion for him to approach this court, in the manner, in which, Mr. Sudhir Dagar had approached this court.

1.5 It is, therefore, the petitioner's case that the direction issued in the order dated 18.12.2013, was not applicable to the petitioner.

1.6 The learned counsel for the petitioner has placed before me a typed copy of the extract of the seniority list wherein purportedly, the name of the petitioner finds mention at serial no.74. A copy of that list has been handed over to the learned counsel for the respondent.

2. To be noted, notice in the petition was issued on 02.12.2014, and the returnable date, was fixed as, 23.02.2015. On 23.02.2015, Mr. Yeeshu Jain entered appearance for respondent no.1, while Mr. Jogendra appeared on behalf of respondent no.2/DDA. Despite, opportunity being given, no counter affidavit has been filed.

3. In these circumstances, the writ petition is disposed of with a direction to the respondents to reconsider the case of the petitioner, having regard to the assertions made before me, which is that, the petitioner's name already finds mention at serial no.74 of the seniority list generated by respondent no.1. If this fact is found to be in order then the Recommendation Committee will proceed further in the matter.

4. The Recommendation Committee will thus, accordingly, consider the case of the petitioner and pass appropriate orders as expeditiously as possible though no later than 3 months from today.

RAJIV SHAKDHER, J

JULY 17, 2015

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