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

+ **W.P.(C) 8820/2014**

R.K. AGGARWAL

..... Petitioner

Through: Mr. N.S. Dalal and Mr. Amit Rana,
Advocates

versus

LAND & BUILDING DEPARTMENT Respondent

Through: Mr. B. Mahapatra, Advocate

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

06.08.2015

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1. This writ petition is directed against the communication dated 23.07.2014, issued by the respondent.

1.1 By virtue of the impugned communication, the petitioner's request for allotment of an alternate plot in lieu of acquired land has been rejected on the ground that information / documents sought by the respondent vide communication dated 31.03.2014 was not supplied.

1.2 The petitioner's case is that prior to the letter dated 31.03.2014, vide letter dated 13.03.2014, a request had been sent by him for grant of, at least, a month's time to gather the relevant documents, as he was not keeping good health.

1.3 Evidently, the respondent vide letter dated 31.03.2014, on its own, without referring to the petitioner's letter dated 13.03.2014, called upon the petitioner, to submit the documents / information referred to therein by 14.04.2014. It appears that on the same day, the respondent also wrote to

the Land and Acquisition Collector (South East) for submission of a report / clarification in respect of the award passed in favour of the petitioner.

2. Notice in this petition was issued on 12.12.2014 when, on that very date, six (6) weeks were granted to the respondent to file a counter affidavit. No counter affidavit has been filed by the respondent, to date.

3. The learned counsel for the petitioner says that on 04.06.2014, a part of the documents required by the respondent were submitted. It is the case of the petitioner that some more time ought to have been given by the respondent for submission of documents.

4. The difficulty faced by the court today is that there is no counter affidavit filed on behalf of the respondent. It is not known as to the extent to which deficiency obtains, and if that deficiency is materially impeding the process of consideration of the petitioner's application.

5. In these circumstances, in my view, the best way forward would be to direct the respondent to reconsider the case of the petitioner. Accordingly, the impugned communication dated 23.07.2014 is set aside. The Recommendation Committee will issue a fresh notice to the petitioner indicating therein, the date, time and the venue where he is required to present herself. Notice will also indicate the relevant documents that he is required to make available to the Recommendation Committee. The Recommendation Committee will, after according personal hearing to the petitioner, pass a speaking order; a copy of which will be served on him, within two weeks of the order being passed.

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

7. With the aforesaid observations in place, the captioned petition is disposed of.

RAJIV SHAKDHER, J

AUGUST 06, 2015

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