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

+ **W.P.(C) 9399/2014**

MANJU BHARGAVA Petitioner
Through: Ms Shalini Aggarwal & Mr B.P.
Aggarwal, Advs.

versus

GOVT. OF NCT OF DELHI Respondent
Through: Mr Priyabrat Sahu, Adv. for Mr
Siddharth Panda, Adv.

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **15.07.2015**

1. This writ petition is directed against the communication dated 19.06.2014, issued by the Land & Building Department, Govt. Of NCT of Delhi. By virtue of this communication the petitioner's application for allotment of an alternate plot in lieu of acquired land was rejected on account of her purported failure to clarify the status regarding property bearing no. A/11A, NDSE-I, New Delhi (in short the property).

1.1 The impugned letter records that the petitioner in her reply dated 16.07.2013 had informed the respondents that the said address was that of her parents. The respondents, however, in the impugned letter wrote that since there was no documentary evidence placed before them with regard to ownership of the said property, therefore, they had proceeded to reject the petitioner's application.

2. Notice in this writ petition was issued on 24.12.2014. Despite notice,

no counter affidavit has been filed on behalf of the respondents, which, practically means that the assertions made in the writ petition have gone untraversed. No further opportunity can be given for the said purpose.

4. Learned counsel for the petitioner has drawn my attention not only to the letter dated 19.03.2013, which brought to the notice of the petitioner the deficiencies in her application for allotment of an alternate plot but also to the affidavit dated 06.07.2013, filed in response thereto.

4.1 In the affidavit, which is appended at page 61 of the paper book, the petitioner has clearly stated that neither she nor any member of her family owned a plot or flat in the urbanised area of Delhi, New Delhi or Delhi Cant. The affidavit went on to state that neither she nor any other member of her family, were members of any group housing co-operative society in Delhi, New Delhi or Delhi Cant.

5. Learned counsel for the petitioner has also drawn my attention to a copy of the registered sale deed dated 09.08.1962, executed in favour of her father Sh. Mahabir Prasad Bhargav, pertaining to the aforementioned property.

6. A perusal of the impugned letter does not demonstrate that the respondents have taken into account either the aforementioned sale deed or the affidavit, to which reference has been made in this petition.

7. In these circumstances, the impugned order is set aside. The respondents are directed to reconsider the case of the petitioner and take into account the effect of the aforementioned documents, in particular, the sale deed; a copy of which has been placed on record. The respondents will give a personal hearing to the petitioner, for which purpose, they will issue a written notice to her at the address given in the writ petition. The notice will

indicate the date, time and venue at which the petitioner has to present herself. The respondents shall ensure that there is sufficient time lag between the dispatch of the notice and the date fixed for hearing. The respondents shall examine the original of the aforementioned sale deed or any other relevant document that the petitioner wishes to place on record in support of her case. After hearing the petitioner, the respondents will pass a speaking order which shall be communicated to the petitioner.

8. The writ petition is disposed of with the aforesaid directions.

RAJIV SHAKDHER, J

JULY 15, 2015

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