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

+ W.P.(C) 1007/2016 and CM Appl. no. 4399/2016 (Stay)

SURENDER SINGH Petitioner

Through : Mr. R.S. Tomar, Adv.

versus

GNCT OF DELHI AND ANR Respondents

Through :Mr. Yeeshu Jain and Ms. Jyoti Tyagi,
Adv. for respondent no. 1

Mr. Karan Sharma, Adv. for
respondent no. 2

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **19.04.2016**

By this writ petition under Article 226 of the Constitution of India, petitioner has prayed that respondent no. 1 be directed to recommend the name of petitioner and include his name in the seniority list of recommendees for the allotment of alternative plot in South/Dwarka Zone and to allot an alternative plot in the draw of lots to be held at the earliest as per the entitlement of the petitioner.

Petitioner has alleged that he was recorded co-bhoomidarr/owner of the agricultural land admeasuring 3 bighas and 4 biswas, out of khasra no. 14/15 min situated in Village Bijwasan, New Delhi. Petitioner's brothers,

namely, Shri Satyender Rana and Shri Sushil Kumar were other co-owners, having 1/3rd share each in the said land. Petitioner's land was acquired by the respondent no. 2 vide award no. 28/2002-03 dated 24th October, 2002 and possession thereof was taken. On 29th November, 2002, petitioner received compensation. On 24th September, 2003 petitioner applied for allotment of an alternative plot, in lieu of the acquired land. In the year 2012, petitioner did not find his name in the seniority list as maintained by the respondent no. 1. He made a representation on 29th August, 2012 thereby requesting the respondent no. 1 to include his name in the seniority list. Vide letter dated 28th August, 2014 respondent no. 1 called upon the petitioner to submit certain documents, which were submitted by the petitioner on 9th October, 2014. However, petitioner's case was not placed before the Recommendation Committee, constituted by the respondent no. 1, in its meeting held on 7th November, 2014. Vide letter dated 25th November, 2014 respondent no. 1 asked the petitioner to furnish certain more documents. Desired information was furnished to the respondent no. 1 by the petitioner. Vide letter dated 17th August, 2015, respondent no. 1 asked the petitioner to submit more documents, which were also submitted on 8th October, 2015. However, petitioner's name was not considered by

the Recommendation Committee in the meeting held on 21st October, 2015; while similarly situated persons were considered including the petitioner's brother, namely, Shri Satyender Rana.

No Counter affidavit has been filed by the respondent no. 1. However, learned counsel for the respondent no. 1 submits that petitioner's application was not considered for want of certain documents which were not furnished by the petitioner despite written communication. Vide letter dated 18th December, 2015 petitioner was requested to furnish the following documents:-

- a) Clarification regarding variation in the name of applicant by way of affidavit.
- b) SPA in favour of brother of applicant.

Petitioner did not furnish aforesaid documents. It is submitted that case of the petitioner is under consideration and will be considered, as per his seniority, subject to, however, petitioner furnishing the documents, as detailed in the letter dated 18th December, 2015.

Learned counsel for the petitioner submits that documents, as mentioned in letter dated 18th December, 2015, will be submitted with the respondent no. 1 within two weeks.

Writ petition is disposed of with the directions to the respondent no. 1 to thereafter consider the case of the petitioner, in accordance with law and as per the seniority of the petitioner. Miscellaneous application is disposed of as infructuous.

A.K. PATHAK, J.

APRIL 19, 2016

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