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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **W.P.(C) 8401/2015**  
**RAM KUMAR**

..... Petitioner

Through Mr. B. N. Gaur, Advocate

versus

**STATE OF NCT OF DELHI**

..... Respondent

Through

**CORAM:**  
**HON'BLE MS. JUSTICE INDERMEET KAUR**

**ORDER**

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**26.07.2016**

Counter affidavit has not been filed by the respondent inspite of several opportunities already have been granted.

The case of the petitioner is that his second application for an alternate plot had been rejected on the ground that the requisite documents had not been furnished by him. This was vide a communication dated 19.06.2014. In this letter it had been communicated to the petitioner that on 13.12.2013 petitioner had been requested to submit requisite documents but the same had not been received. Due to non submission of documents vide communication dated 19.06.2014 his plea for alternate plot was rejected.

Counsel for the petitioner submits that all the requisite documents which included an affidavit, indemnity bond, khatauni / farad, Election Card along with three specimen signatures, Payment

Certificate, Death Certificate and Legal Heir Certificate had been furnished by the petitioner to the department on 01.07.2013 and his application substantiating this submission has been placed on page 43 of the paper book. The additional submission of the learned counsel for the petitioner is that in the similar circumstances, a co-owner of this property who had also set up a plea for alternate allotment which had been rejected had been granted relief and this case was directed to be reconsidered by the Department in view of the judgement passed by the Coordinate Bench of this Court on 06.08.2015 in WP(C) 7133/2015 Birja @ Suraj Mal Vs. State of NCT of Delhi & Anr. The vehement contention of the petitioner is that the communication dated 13.12.2013 had been sent in a routine manner although even prior thereto i.e. on 01.07.2013 all documents (mentioned above) had been submitted to the respondent and receipt of endorsement is evident at page 43 of the paper book. His submission is that his case should be considered on merits.

This Court notes that on 04.09.2015 respondent was first granted time to file his counter affidavit. Counter affidavit is still not on record. Several dates have been passed i.e. 05.10.2015, 16.12.2016, 28.03.2016 as also the date of today. There appears no justifiable explanation in not filing the counter affidavit. The submission of learned counsel for the petitioner appears to be substantiated from the record that petitioner had communicated in his letter dated 01.07.2013 that all documents i.e. the aforementioned seven documents had been sent to the Department and the endorsement of the Department is evident at page 43 of the paper book. In this view

of the matter, rejection of the case of the petitioner by the respondent on the ground that he had not submitted documents inspite of the communication dated 13.12.2013 deserves to be reconsidered. The case of the petitioner be reconsidered and the speaking order on merits be passed by the Department. In case certain documents are still required by the respondent, the petitioner undertakes to furnish the same within an outer limit of 10 days.

Petition disposed of in above terms.

**INDERMEET KAUR, J**

**JULY 26, 2016**

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