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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 9947/2015 & C.M. No.24181/2015
LAKHMI CHAND (D)

..... Petitioner

Through Mr. Rajat Sehgal, Adv.

versus

GOVT. OF NCT OF DELHI & ORS

..... Respondents

Through Mr. B. Mahapatra, Adv for R-1.
Mr. Karthik Jindal and Mr. Joseph K.
Antony, Advs for DDA.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **31.08.2016**

The petitioner is aggrieved by the communication dated 22.11.2014 wherein his application seeking allotment of an alternate plot had been rejected only for the reason that there was no valid application form; submission is that the contention of the Department was that the application has not been signed. Contention of the petitioner is that this order dated 22.11.2014 had been passed 11 years after he has made his requisite application; his submission is that the application was unsigned inadvertently and this error could have been corrected had it been brought to the notice of the petitioner earlier and this being the sole cause for rejection of his application for alternate allotment is a ground which is liable to be set aside. To support this proposition, he has placed reliance upon a judgment of a coordinate Bench of this Court in W.P. (C) No.5086/2014 titled Champa Vs.

Union of India and Others delivered on 21.08.2014 wherein in similar factual matrix, the case of the petitioner (in that case) had been directed to be reconsidered. This Court notes the ratio of the aforementioned judgment.

This Court also notes that the case of the petitioner has not been processed on merits; it has been rejected for a technical reason which according to this Court is too minor; the reason why his application could not be considered was because his application was unsigned. As pointed out by the learned counsel for the petitioner, this was an inadvertent and bonafide mistake.

Rejection letter 22.11.2014 is set aside. The case of the petitioner shall be considered on merits and as per seniority i.e. from the date of his application. For this purpose, the petitioner will now appear before the Department on 13.09.2016 at 11:00 PM for signing the said application. The case of the petitioner will be answered in accordance with law and preferably within an outer limit of four months from today.

Petition disposed of.

INDERMEET KAUR, J

AUGUST 31, 2016

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