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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 10579/2015**
AJAY BAJPAI

..... Petitioner

Through Mr. Iggu Chittiappa, Adv.

versus

UNION OF INDIA & ORS

..... Respondents

Through Mr. Vijay Joshi and Ms. Meenakshi
Pandey, Advs for R-1.
Mr. Siddharth Panda, for Mr. Yeeshu
Jain, Adv for GNCTD.
Mr. Dhanesh Relan, Adv for DDA.
Ms. Prabhsahay Kaur, Adv for R-4.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **02.09.2016**

The petitioner is aggrieved by the letter of rejection dated 26.03.2015 issued by the Department wherein his application seeking allotment of an alternate plot had been declined for the reason that he has not furnished the requisite documents; as such the eligibility of the applicant could not be determined and his case was rejected.

Record shows that the land of the petitioner comprised in khasra No. 18/17/1 and 18/16/2 situated in village Pochan Pur, Delhi was acquired and Award bearing No. 30/2002-03 was passed on 09.12.2002. The compensation was granted to the petitioner and a certificate to the said effect was issued. The petitioner had applied for allotment of an alternate plot in lieu of this acquired land on

12.06.2013. This application was within time. This aspect is not disputed. Certain documents were however sought for from the petitioner in lieu of his claim set up by him in his application seeking allotment of an alternate plot but the letter of rejection clearly shows that these documents had not been furnished. This position is disputed by the petitioner who submits that he has received the first letter dated 19.12.2013 asking the petitioner for certain documents; the father of the petitioner had expired on 26.12.2013 at Gurgaon Hospital. On 23.01.2014, the petitioner had sent a letter to the Department requesting them for extension of time to produce the documents because of the said demise of his father which was reiterated again on 31.01.2014 on which date, the requisite documents had also been furnished. Submission being that the petitioner had in fact already sent most of these documents to the Department on 19.12.2013; his address was thereafter changed and the Department had addressed the letter at the wrong address of the petitioner. It was only pursuant to an information obtained on an RTI application that the petitioner learnt about the status of his application which was on 17.11.2014. The second RTI application was filed by the petitioner wherein also the contention of the petitioner was that the communications sent by the Department were never delivered to him at his correct address.

Learned counsel for the petitioner submits that admittedly his case has not been considered on merits; it has been rejected only for the reason that the documents had not been furnished for which the petitioner has furnished a justifiable explanation. This Court notes

this submission and is in agreement with this submission of the learned counsel for the petitioner. The communications details afore show that the efforts had been made by the petitioner to furnish all the documents to the Department and in fact most of the documents had allegedly been furnished on 19.12.2013; the Department was not justified but the next contention of the petitioner (which is borne out from his RTI application) that these letters were not addressed at his address has also been noted.

The view of the Court is that the case of the petitioner should be considered on merits. The rejection letter dated 26.03.2015 is accordingly set aside. The case of the petitioner be decided on merits. This Court also notes that the application seeking allotment of plot was within time. If all the documents have not already been furnished by the petitioner, the same shall be furnished to the Department on affidavit within three weeks from today.

Petition disposed of.

INDERMEET KAUR, J

SEPTEMBER 02, 2016

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