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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 10854/2015 & C.M. No.27946/2015**
VIJAY KUMAR VATS

Through Mr.N.S.Vashist and Mr.
M.P.BNhargava, Advocates. Petitioner

versus

GOVT OF NCT OF DELHI AND ORS

Through Ms.Yeeshu Jain and Ms.Jyoti Tyagi,
Advocates for R-2. Respondents

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER
% 03.11.2016

The petitioner is aggrieved by the order dated 13.9.2013 as also subsequent order dated 22.10.2013 wherein his application seeking allotment of an alternate plot has been rejected on the ground that he had not submitted the requisite documents. This communication dated 22.10.2013 has been perused. This communication had informed the petitioner that his case for allotment of alternative plot in lieu of the acquired land had been placed before the Recommendation Committee held on 13.9.2013 but since he had not filed the documents and had sought more time; as such his case could not be considered. His case was accordingly rejected.

The contention of the petitioner is that he did not receive any communication from the Department informing him that he had to submit any further documents; most of the documents had in fact already been submitted by him. His submission is that he should not be condemned unheard but his case should be considered on its merits.

Record shows that the land of the father of the petitioner was acquired vide an Awarded dated 09.01.1981. The possession of the land was taken in 1995-96. The application for allotment of an alternate plot was filed thereafter. The father of the petitioner namely Kedar Nath left for his heavenly abode on 26.5.2005. This was informed to the Department on 02.8.2005. On 28.11.2010 a reminder letter was sent by the petitioner to the respondent for early allotment of his alternate plot. On 30.4.2013, notice was sent to Kedar Nath asking for certain documents. It was informed to the Department that vide earlier communication dated 02.08.2005 death of Kedar Nath already stood intimated. The rejection of his case for allotment of an alternate plot on 13.9.2013 was without any intimation to the petitioner. At the cost of repetition, his submission is that he had filed all the requisite documents including the relinquishment deed, indemnity bond and the affidavit. His representation to the Department dated 20.7.2015 asking them to consider his case on merits has not been answered.

The stand of the respondent all along has been that in spite of reminder written to the petitioner he has not submitted his documents.

These letters purported to have been issued to the Department by the petitioner are not on record; they do not form a part of the minutes of the meeting dated 13.9.2013 or of the communication dated 22.10.2013. The Department has relied upon a reply dated 24.6.2013 purported to have been issued by the petitioner seeking more time to file documents. Contention of the petitioner is that the alleged communication dated 30.4.2013 to the petitioner was never received by him; more over this letter was even otherwise was addressed to Kedar Nath who had expired long ago which intimation had been given to the Department.

Be that as it may, noting this submission of the petitioner that he has already furnished all documents including the relinquishment deed, indemnity bond and the affidavit to the respondent, this is a fit case where the case of the petitioner should not be thrown out only on the ground of non-submission of documents. The impugned rejection letter dated 22.10.2013 is set aside. His case be considered on merits as per seniority.

Petition disposed of in the above terms.

INDERMEET KAUR, J

NOVEMBER 03, 2016
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