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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 72/2016**
SATBIR SINGH

..... Petitioner

Through Mr. Naresh K. Dakh and Ms. Gargy
Rajput, Advs.

versus

LAND & BUILDING DEPARTMENT, GOVT. OF NCT OF DELHI

..... Respondent

Through Mr. Yeeshu Jain, Adv.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **05.09.2016**

The petitioner is aggrieved by the minutes of the meeting dated 09.09.2015 of the Department wherein his case was considered and it was noted as under:-

“The case was placed before the Committee and it was observed that the applicant vide this office letter of No. 8197 dated 23.07.2015 was requested to appear before the Recommendation Committee for personal hearing on 09.09.2015 at 02:00 P.M.. In response to said letter Shri Satbir Singh appeared and was heard by the committee. However on scrutiny of available record it was observed that the applicant has applied on 12.09.2003 against Award Nos.48/86-87, 63/86-87, 13/91-92 and 30/02-03. He received the compensation against these awards on 11.11.1986, 20.04.1987, 10.04.1992 and 30.12.2002. In the first three awards he failed to file the application is prescribed time limit, so barred by time and in

fourth award the applicant is having only 1/5th share in the land measuring 4-9 bigha which is less than 1 bigha and not covered under the policy. Hence the case of the applicant for allotment of alternate plot is rejected.”

The contention of the petitioner is that these facts as noted by the Recommendation Committee are factually incorrect; his submission is that after the first three awards, he had filed an application seeking allotment of an alternate plot. After the second Award dated 20.04.1987, he had made an application seeking allotment of an alternate plot on 26.12.1986 (page 19 of the paper book). Contention is that this application was well within time and the observation of the Recommendation Committee that he had not filed any application after the first three awards is thus incorrect. Contention is that the stand of the Department in the communication dated 23.03.1992 (page 33 of the paper book) wherein they had made a reference to the aforementioned application dated 26.12.1986 and had told him that his case will be reconsidered after his entire land stand acquired is also indicative of this fact.

Contention of the respondent there was no application filed by the petitioner qua the first Award and third Award. The application of the petitioner dated 26.12.1986 was qua the second Award i.e. Award No63/86-87 dated 20.04.1987.

This Court is of the view that the factual recording contained in the minutes of the meeting dated 09.09.2015 that the petitioner had not filed any application seeking allotment of an alternate plot after the first three awards is incorrect; this is clear from their

communication dated 23.03.1992 wherein they had made a reference to the application of the petitioner dated 26.12.1986.

This Court is thus of the view that the recommendations of the Recommendation Committee dated 09.09.2015 qua the case of the petitioner requires a reconsideration. The case of the petitioner be considered on merits. A speaking order will be passed on the representation to be made by the petitioner which shall be made within a period of two weeks from today and the same shall be answered within six months.

Petition disposed of.

Order dasti.

INDERMEET KAUR, J

SEPTEMBER 05, 2016

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