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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 1895/2016**
DASHRATH

..... Petitioner

Through Mr. N.S. Dalal, Adv.

versus

LAND & BUILDING DEPARTMENT

..... Respondent

Through Ms. Manika Tripathy Pandey and Mr.
Ashutosh Kaushik, Advs

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **14.11.2017**

The petitioner is aggrieved by the fact that inspite of his repeated reminders to the Department asking them to decide his application seeking allotment of an alternate plot, the same has not been answered till date.

Record shows that the land of the father of the petitioner was acquired vide an Award dated 02.04.1993. Compensation had been granted on 29.01.1994. The father of the petitioner had applied for allotment of an alternate plot and the file number given to him was F.31(50)/111/94/L&B/Alt. Submission is that repeated letters were written by the petitioner to the respondent but no response has been received from the Department.

Counter affidavit has been filed by the respondent. His submission is that this file is not traceable and the petitioner be directed to furnish better particulars on record. An additional

affidavit had been filed by the petitioner. Along with the additional affidavit, a reply to the RTI query has also been placed on record. The petitioner had sought certain information through the RTI from the Department and the reply of the Department dated 02.06.2017 states as under:-

“As per available record in file bearing No. F.31(50)/111/94/L&B/Alt, the recommendation letter appears to have been issued in the name of Sh. Ram Phal s/o Sh. Nand Lal.”

Learned counsel for the petitioner is heavily relying upon this communication to make a submission that such a letter appears to have been written by the Department and as such the case of the petitioner must succeed. His limited prayer being that his application should be decided on merits.

Learned counsel for the respondent points out that the petition is even otherwise barred by delay and laches and even presuming that this Award was made in 1993, the father of the petitioner first applied for allotment of an alternate plot (even as per the case of the petitioner) only in 2004 and he had followed it up in 2011. Even on merits, petitioner has no case.

These submissions and counter submissions may be considered by the Department who shall consider the case of the petitioner on merits and answer it in accordance with law as per seniority.

Petition disposed of in the above terms.

INDERMEET KAUR, J

NOVEMBER 14, 2017

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