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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 4300/2014 & CM APPL. 8633/2014

MANJEET SINGH Petitioner

Through

Mr. Anil Kaushik with Mr. Rajinder
Singh and Mr. Abhishek Mishra,
Advocates

versus

UNION OF INDIA & ORS.

Through

..... Respondents

Mr. R.K. Sharma, Advocate for R-1
and 2.Ms. Manika Tripathy Pandey with Mr.
Ashutosh Kaushik, Advocates for
DDA.**CORAM:****HON'BLE MR. JUSTICE MANMOHAN****ORDER**

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04.05.2017

Present writ petition has been filed seeking a direction to respondent to allot an alternative plot in favour of the petitioner in lieu of his land having been acquired under the scheme of large scale acquisition by respondent no. 1 under Award No. 3/2002-03.

The admitted position is that the petitioner had applied for allotment of alternative plot along with other co-bhumidars on 1st April, 2003.

On 11th September, 2013, respondent-Land & Building Dept. had pointed out certain procedural defects/deficiencies in the petitioner's application. The same were rectified within the stipulated time by the petitioner.

However, on 25th February, 2014 the respondent-Land & Building Dept. rejected the petitioner's application for allotment of alternative plot in lieu of acquired land on the ground that the application had been signed by the minor and not by the natural guardian, i.e., petitioner's mother.

Learned counsel for the respondent emphasises that as the application had not been signed by the natural guardian, the petitioner's application could not have been considered for allotment of an alternative plot.

It is the case of the petitioner that application submitted initially contained not only the signature of the petitioner but also the thumb impression of the natural guardian, i.e., mother along with her photograph. It is further stated that the petitioner is today a major.

This Court is of the view that the ground on which the petitioner's application for alternative land has been rejected is a procedural defect at the highest. The same could have been cured if it had been initially pointed out by the respondent.

It is pertinent to mention that non-signature by the natural guardian was not one of the deficiencies initially pointed out by the respondent vide its letter dated 11th September, 2013.

In any event, since it is the petitioner's case that the application form bears the thumb impression of petitioner's mother, this Court sets aside the impugned order dated 25th February, 2014 and directs the respondent to reconsider the petitioner's application in accordance with law within eight weeks.

With the aforesaid directions, present writ petition and application stand disposed of.

MANMOHAN, J

MAY 04, 2017

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