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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 3435/2017

RAJ SINGH & ANR

..... Petitioners

Through :Mr. Anand Yadav and Ms. Anita
Tomar, Advs.

versus

DELHI DEVELOPMENT AUTHORITY & ORS Respondents

Through :Mr. Srikant Misra, Adv. for
respondent no. 2
Ms.Yeeshu Jain, Standing Counsel
with Ms. Jyoti Tyagi, Adv. for
respondent no. 3

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **21.04.2017**

Petitioners are sons of Late Shri Balbir Singh. It is contended that Late Shri Balbir Singh owned 32 bighas and 11 biswas of land in Village Dhool Siras, Delhi, which was acquired vide notification dated 13th December, 2000 under Section 4 of the Land Acquisition Act, 1894. Award no. 27/2002-2003 was passed, possession of the land was taken, and compensation was also paid.

Petitioner's father Late Shri Balbir Singh applied for allotment of an alternative plot in lieu of the acquired land, as per the policy, with the

respondent no. 3 on 29th May, 2003. However, the application has been rejected vide order dated 26th March, 2015 (Annexure-8) on the ground of non-submission of relevant documents.

The order dated 26th March, 2015 reads as under:-

“Sub:Allotment of alternative plot in lieu of acquired land-reg.

Sir,

With reference to the above-mentioned subject, I am directed to inform you that your case for allotment of alternative plot in lieu of acquired land has been placed before the meeting of Recommendation Committee held on 31.12.2014 and it was observed that the applicant vide this office letter dated 10.12.2013 & 16.05.2014 was asked to furnish the requisite documents as per the details given therein. In response thereto, the applicant replied vide letter dated 02.06.2014 and requested some more time to produce the requisite documents but the failed to submit the requisite documents till date despite extension. Due to non-submission of requisite documents, the eligibility of the applicant cannot be considered, hence the case is **REJECTED.**”

Learned counsel for the petitioners submits that Annexure-8 has been addressed to a wrong person, that is, Rai Singh. Late Shri Balbir Singh has not left behind any legal heir by the name of Rai Singh. Shri Balbir Singh, father of the petitioner, died on 21st October, 2013. He could not have submitted the documents, pursuant to the letters detailed in the Annexure-8.

Subsequently, petitioners made enquires and submitted documents vide letter dated 7th October, 2015. This letter was accepted by the respondent no.3 vide diary no.6776. However, petitioners were informed that nothing could be done as the application had already been rejected.

Keeping in mind the above facts; more particularly, the fact that father of the petitioners Late Shri Balbir Singh, who was applicant, had died on 21st October, 2013 and documents could not have been submitted by him pursuant to the letters, as mentioned in Annexure-8. The impugned order is set aside. Petitioners to take steps to get themselves impleaded and also to submit any further document as desired by the respondent no. 3. Thereafter, application be processed in accordance with law and decided by the respondent no.3, expeditiously and preferably within six months. Petitioners may also be given personal hearing, if they so desire.

Petition is disposed of in the above terms.

A.K. PATHAK, J.

APRIL 21, 2017

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