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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 8203/2015**
SANDEEP

..... Petitioner

Through: Mr Sandeep Thakur, Adv
versus

GOVT. OF NCT OF DELHI

..... Respondent

Through: Mr Siddharth Panda, Adv for
Mr Yeeshu Jain, Adv

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **25.08.2017**

Petitioner is aggrieved by the rejection letter dated 18.11.2014 issued by the respondent wherein his application seeking allotment of an alternate plot had been rejected for the sole reason that the applicant (Sandeep) had become major on the date when the application of allotment of an alternate plot was made; that application was made by the mother of Sandeep stating that Sandeep was a minor on that date. This is the only reason for rejection and this is evident from the order dated 18.11.2014 as also the stand taken by the learned counsel for respondent in their counter affidavit.

Record shows that the land of the petitioner in the Revenue Village of Bhartal, Delhi was acquired on 13.12.2000. Admittedly, on that date the petitioner (Sandeep) was a major. Compensation was received by him (Sandeep) on 07.02.2003. The application seeking allotment of an alternate plot was made on 28.04.2003. All these are

admitted facts. It is admitted that on the date when the land of the petitioner was acquired and when the application seeking allotment of an alternate plot was made, the petitioner was a major.

Learned counsel for the petitioner points out that due to an inadvertent and genuine misunderstanding of the legal position, the application seeking allotment of plot was filed by the mother of Sandeep stating that Sandeep was a minor. The birth certificate of Sandeep is on record. This evidences his date of birth as 15.12.1981. It is not the stand of the respondent (in the counter affidavit) that the averments in the petition have been made for any other reason but for the reasons as explained in the petition which at the cost of repetition was because of a bona-fide misunderstanding of the legal position.

This narration being evident from the record of the case and the rejection letter dated 18.11.2014 rejecting the case of the petitioner solely on the ground that the application has been made through his mother (stating that Sandeep is a minor which being a genuine error) is set aside.

The case of the petitioner shall be considered on merits. The necessary documents which are required to be filed by the petitioner shall be filed before the respondent / authority within a period of three weeks.

Petition disposed of.

Dasti under the signatures of the Court Master.

INDERMEET KAUR, J

AUGUST 25, 2017/ SU