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

+ W.P.(C) 10249/2015

SHRI TARA CHAND

..... Petitioner

Through Mr.S.Chakraborty, Advocate.

versus

LAND & BUILDING DEPARTMENT Respondent

Through Mr.Yeeshu Jain and Ms.Jyoti Tyagi,
Advocates.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **08.12.2017**

Petitioner is aggrieved by the letter of rejected dated 20.3.2014 wherein his application seeking allotment of alternate plot had been declined. In this communication, it had been stated to him that since the petitioner in spite of requests for documents had not submitted the said documents his case for consideration of allotment of an alternate plot stood rejected.

Learned counsel for petitioner points out that even as per the case of the petitioner there is a delay of just one week and his case should be considered.

Counter affidavit has been filed. In the counter affidavit it is stated that the petitioner was paid compensation on 16.4.1974. His case had matured and had been placed before the Recommendation Committee which was taken up for consideration on 20.12.2013 but in the absence of documents his case could not be considered. The petitioner was issued a letter dated 08.01.2014 asking for documents.

The petitioner could not furnish the documents and as such in the meeting of the Recommendation Committed dated 28.02.2014 on the basis of the record available in the file, the case of the petitioner was rejected. The documents were not complete.

Learned counsel for petitioner submits that even as per the case of the respondent all documents had been furnished by the petitioner on 06.3.2014; the meeting qua the case of the petitioner was scheduled on 28.02.2014. Since there is a delay of only one week in submitting the documents, the case of the petitioner be considered.

This Court is of the view that the case of the petitioner deserves to be considered as although the petitioner had received compensation on his land in the year 1974 yet the rejection letter is premised on the ground that there is a delay of about six days in the submission of the documents by the petitioner and his case was considered on 28.02.2014; the documents were filed only on 06.3.2014. This Court is of the view that the record being old as admittedly the payment certificate evidencing the receipt of compensation would date back to the year 1974, the petitioner has justifiably explained that the documents could be traced out earlier.

The petition is allowed. The case of the petitioner be considered as per seniority.

Petition disposed of in the above terms.

INDERMEET KAUR, J

DECEMBER 08, 2017
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