

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: August 16, 2018
+ W.P.(C) 988/2018 & C.M. 4164/2018

SHRI MAHENDER SINGH Petitioner
Through: Mr. Naresh K. Daksh, Advocate

Versus

GOVT. OF N. C. T. OF DELHI Respondent
Through: Ms. Ruchika Rathi, Advocate

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Petitioner's application for allotment of alternate plot in lieu of acquired land stood rejected by respondent vide order of 16th December, 2014 (*Annexure P-9*) while noting that second page of the application form is not there.

2. Learned counsel for petitioner submits that petitioner had applied under the Right to Information Act, 2005 to obtain copy of his application form and on 20th January, 2012, petitioner was supplied copy of his application form (*Annexure P-2 colly*), which reveals that second page of the application is very much there. It is submitted by petitioner's counsel that may be during transmission of petitioner's application, its second page might have been misplaced but petitioner was never informed about it. It is pointed out by petitioner's counsel that this fact was brought to the notice of the Public Grievance Commission and then certified copy of application form (*Annexure P-2 colly*) was placed by the Task Force before the Committee on 21st September, 2016 for reconsideration of

petitioner's application for allotment of alternate plot, but the reconsideration was deferred to await the outcome of decision in a similar matter of *Balwan Singh, s/o Changi Ram*. However, instead of waiting for the outcome of aforesaid decision, respondent has chosen to reject/close petitioner's case vide order of 17th February, 2017 (*Annexure P-8*) while observing that '*unless there is an order of competent Court of law*' case of petitioner cannot be re-opened/ re-considered.

3. In the facts and circumstances of this case, it is deemed appropriate to dispose of this petition and application with direction to respondent to consider petitioner's case for allotment of alternate plot on the basis of certified copy of application form (*Annexure P-2 colly*) within a period of sixteen weeks or in the alternate obtain a fresh application form from petitioner. The fate of petitioner's application for allotment of alternate plot be made known to him within two weeks thereafter, so that petitioner may avail of the remedies, as available in law, if need be. It is made clear that if any document is required by respondent then its intimation be given to petitioner within two weeks from today, to enable him to make the deficiency good within two weeks thereafter.

4. With aforesaid directions, this petition and application are disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

AUGUST 16, 2018

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