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

+ W.P.(C) 710/2018

SHRI RAGHUBIR SINGH Petitioner
Through: Mr.I.S. Dahiya, Adv.
versus

GOVT. OF NCT OF DELHI Respondent
Through: Mr.Yeeshu Jain, Adv.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI

ORDER
% **22.05.2018**

Vide the present petition, the petitioner has impugned the decision dated 13.12.2013 of the respondent's Recommendation Committee, whereby the petitioner's application for grant of alternate plot has been rejected on the ground that his entire land has not been acquired.

Learned counsel for the petitioner submits that the said decision taken by the Recommendation Committee is factually incorrect as the petitioner's entire land was indeed acquired. He draws my attention to the status report dated 22.07.2017 issued by the Tehsildar, Office of the SDM, Narela in support of his contention that the petitioner's entire land was acquired and there was no agricultural land left with him in Village Shahpur Garhi. He submits that, even though the aforesaid document was not submitted by the petitioner to the respondent before passing of the impugned order, since the notification vide which his land was acquired was available with the

Recommendation Committee, it was incumbent upon them to apply their independent mind and then arrive at a decision as to whether the petitioner's land was acquired or not.

On the other hand, Mr.Yeeshu Jain, learned counsel for the respondent, while supporting the impugned decision, contends that since the petitioner had admittedly not submitted the aforesaid document issued by the Tehsildar, Office of the SDM, Narela, to the respondent before the passing of the impugned order, the respondent cannot be faulted for having rejected his application. He further submits that, even otherwise, the respondent had acted fairly and had vide letter dated 07.06.2013 given an opportunity to the petitioner to respond to the queries of the department, which the petitioner failed to do. Therefore, he contends that the respondent was justified in rejecting the petitioner's application.

Having heard the learned counsels for the parties, it becomes apparent that the petitioner did not respond to the respondent's letter dated 07.06.2013, and had submitted the requisite documents showing acquisition of his entire land only after the impugned decision was passed. However, what emerges from the record is that the respondent had, while passing the impugned order, overlooked the second notification vide which the petitioner's balance land stood acquired. It was only in these circumstances that the respondent had come to a conclusion that the petitioner's entire land was not acquired and had, therefore, rejected his application for grant of an alternative plot. I have given my thoughtful consideration to the rival contentions of learned counsels for the parties, and in my considered opinion,

since the petitioner's entire land had admittedly been acquired, he *prima facie*, fulfils the eligibility criteria prescribed in the respondent's policy dated 02.05.1961. Therefore, the rejection of his application was not in consonance with the said policy. In my view, even though the petitioner had admittedly not submitted the aforesaid document showing acquisition of his entire land along with his application, it was still incumbent upon the respondent to decide the petitioner's application upon considering all the available documents, including the notification vide which the petitioner's remaining land was acquired.

In these circumstances, the impugned decision rejecting the petitioner's application dated 13.12.2013 for grant of an alternate plot, cannot be sustained and the same is quashed. In order to avoid any further ambiguity, it is directed that in case the respondent needs any further documents from the petitioner, the same would be communicated to him through counsel within a period of 4 weeks from today. It will then be incumbent upon the petitioner to furnish those documents within a period of further two weeks. The respondent will then take a final decision with respect to the petitioner's application within a further period of 12 weeks upon receipt of the documents.

In view of the admitted position that the petitioner was also at fault in not furnishing the requisite documents in time, the petitioner will pay a sum of Rs.10,000/- as costs to be deposited in Delhi High Court Advocates Welfare Trust. The petitioner will duly furnish a copy of the receipt showing deposit of costs along with a copy of this

order to the respondent.

The petition is disposed of with the above directions.

MAY 22, 2018/gm

REKHA PALLI, J