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

+ **W.P.(C) 1552/2018**

ROHATAS

..... Petitioner

Through: **Mr.Himanshu Singh, Adv.**

versus

**SECRETARY, LAND & BUILDING DEPARTMENT, GOVT. OF
NCT OF DELHI**

..... Respondent

Through: **Mr.Yeeshu Jain, Standing Counsel
with Ms.Jyoti Tyagi, Adv. L&B.**

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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30.05.2018

Vide the present petition, the petitioner has impugned the respondent's letter dated 10.11.2017, whereby he has been informed that his application for allotment of alternative plot, had been rejected on the ground of non-submission of documents.

Learned counsel for the petitioner submits that the basis for rejecting the petitioner's application is factually incorrect as the petitioner had submitted all the requisite documents from time to time. He draws my attention to various letters written by the petitioner including the letter dated 8th February, 2017 which was duly received by the respondent, in support of his contention that all the requisite documents were available with the respondent.

On the other hand, Mr.Yeeshu Jain, who appears for the respondent,

contends that in case the petitioner had furnished all the requisite documents, there was no reason as to why the Recommendation Committee would come to a conclusion that the petitioner had not furnished the requisite documents.

At this stage, learned counsel for the petitioner submits that the petitioner was never informed about any further deficiency in his documents and, therefore, prays that the petitioner be granted one last opportunity to submit all further documents, as may be required.

Learned counsel for the respondent does not oppose the aforesaid course of action but prays that in view of the petitioner's negligence, costs ought to be imposed on him.

Accordingly, the letter dated 10.11.2017 is hereby quashed and the petitioner is granted 8 weeks time to furnish the requisite documents to the respondent.

It is made clear that while reconsidering the petitioner's application, the respondent will duly consider all the documents submitted by the petitioner and, in case, any further documents are required from him, the respondent will inform him about the same within four weeks. The petitioner will then submit the additional documents within a further period of four weeks. Upon the receipt of the requisite documents from the petitioner, the respondent will decide the petitioner's application by passing a reasoned and speaking order within 12 weeks. It is made clear that if the requisite documents are not furnished to the respondent within the time granted, the respondent will be at liberty to decide the petitioner's

application on the basis of documents already on record. It is made clear that the present order has been passed without prejudice to the rights and contentions of the parties.

In view of the fact that the petitioner is guilty of having not furnished the documents despite being directed to do so, in my opinion, the petitioner is liable to pay costs of Rs.20,000/- within one week, payable to the 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 writ petition is disposed of in the aforesaid terms.

Needless to say, in case the petitioner is still aggrieved by the order passed by the respondent, it will be open to him to take legal recourse as permissible under law.

REKHA PALLI, J.

MAY 30, 2018
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