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

+ **W.P.(C) 2033/2017**

SUNIL KUMAR & ORS Petitioners
Through: **Mr. Avanish Kumar, Adv.**

versus

GOVT. OF NCT OF DELHI & ANR Respondents
Through: **Mr. Yeeshu Jain, Standing Counsel**
for R1.
Mr. Santosh Kumar Tripathi,
ASC/GNCTD/R2.

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER
% **24.07.2018**

The present petition has been filed by the petitioners with the following prayers:

“In view of above facts and circumstances of case, it is therefore most respectfully prayed that the Hon’ble Court may graciously be pleased to:

- a. Issue an appropriate writ or direction quashing the order / decision dated 22/1/2014 given by the “Recommendation Committee” of the respondent No.1 whereby and whereunder the application File No. F-31(55)/56/2003/L&B/ALT, of the petitioner No.1, Application File no.F-31(55)/57/2003/L&B/ALT, of the petitioner No.2 and Application File No.F-31(55)/55/2003/L&B/ALT, of the petitioner No.3, for allotment of an alternative plot in lieu of their acquired lands, was rejected; and*
- b. Issue an appropriate writ or direction to the*

respondent No.1 to consider the application of the petitioners regarding allotment of the alternative plot in lieu of their acquired lands, on merit; and
c. Pass any other order (s) or direction as this Hon'ble Court deems fit and proper in the circumstances of the case."

Suffice to state, the challenge in the writ petition is to the decision of the Recommendation Committee rejecting the applications of the petitioners, Sunil Kumar, Shyam Sunder and Manoj Kumar by relying on the judgment of the Supreme Court in the case of ***Delhi Administration v. Jai Singh Kanwar, Civil Appeal No. 8289/2010*** on the ground that entire land of the petitioners has not been acquired. Learned counsel for the petitioners state, even though it is a fact that the entire land has not been acquired, but the land forms part of Khasra Nos. 76 (0-6) and 237 (0-8) which is in extended Lal Dora. His only submission is that in view of the letter dated March 12, 2014 of the Office of the Executive Magistrate, Dwarka respondents are required to reconsider the case of the petitioners for allotment of alternative plot.

Mr. Yeeshu Jain, learned counsel appearing for the respondent no.1 would justify the impugned order on the ground that impugned decision was taken on the basis of the communication of the Tehsildar dated October 21, 2013 wherein he has stated that the land bearing Khasra Nos. 76(0-6) and 237 (0-8) are not acquired land. It was for the petitioners to seek clarification with regard to the said letter which the petitioners have not done and the impugned action of the respondent cannot be faulted. He also states in view of the subsequent development i.e receipt of letter dated March 12, 2014, by the petitioners the writ petition filed by the petitioners

can be considered as a representation with regard to their request for allotment of alternative plot and a reasoned order can be passed. This submission of Mr. Jain appears to be reasonable as the impugned decision, as seen from the minutes of the Recommendation Committee is dated January 22, 2014 / February 7, 2014 which dates are prior to the letter dated March 12, 2014. In other words, the Recommendation Committee did not have the benefit of the communication dated March 12, 2014 on the date of the decision. Accordingly, the writ petition is disposed of directing the respondent No. 1 to consider the grounds in the writ petition and also the documents annexed with the writ petition including the letter dated March 12, 2014 as referred above and pass a reasoned and speaking order within a period of eight weeks from the receipt of copy of this order. The order passed shall be communicated to the petitioner. If the petitioners have any grievance against the order to be passed by the respondent No.1, liberty is with them to file appropriate proceedings.

The petition is disposed of.

V. KAMESWAR RAO, J

JULY 24, 2018/jg