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

+ **W.P.(C) 1499/2018**

SHRI GYANENDER KUMAR

..... Petitioner

Through: Mr. N.S. Dalal, Adv. with Mr. Amit
Dhankhar, Adv.

versus

LAND AND BUILDING DEPARMENT

..... Respondent

Through: Ms. Ruchika Rathi, Adv.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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17.07.2018

1. The present petition has been filed by the petitioner with the following prayers:-

“Therefore, on the facts and in the circumstances of the case, it is most humbly and respectfully prayed that this Hon’ble Court may kindly be pleased to:-

(i) Issue an appropriate writ, order or direction thereby quashing the letter dated 30.11.2017 whereby the petitioner was informed that the application of the Petitioner for allotment of an alternative plot has been rejected on the ground of non-submission of the documents;

(ii) Issue an appropriate writ, order or direction thereby directing the Respondent to make recommendation for allotment

of an alternative plot in favour of the petitioner;

(iii) Award costs of the present Writ Petition in favour of the petitioner and against the Respondent;

(iv) issue any other or further appropriate writ, order or direction as this Hon'ble Court deems fit and proper in the facts and circumstances of the case, in favour of the petitioner and against the respondent."

2. Vide the impugned communication dated November 30, 2017, the respondent has rejected the request of the petitioner for allotment of alternative plot on the ground that the petitioner had not furnished the requisite documents like SMC/Legal Heirs, Relinquishment Deed and Ownership status.

3. Mr. Dalal, learned counsel for the petitioner states, even though the petitioner had submitted the requisite documents, the petitioner without joining any issue with the respondent, is ready and willing to re-submit the requisite documents as stated in the impugned communication within a period of six weeks, subject to any condition this Court may impose. He relies on the order passed by this Court in ***W.P. (C) 5186/2018, Bhanwar Singh vs. Land & Building Department***, dated May 22, 2018.

4. Learned counsel for the respondent justifies the impugned

communication but at the same time acknowledges the order dated May 22, 2018 passed by this Court in ***W.P. (C) 5186/2018, Bhanwar Singh vs. Land & Building Department***, wherein a Coordinate Bench of this Court had directed the re-submission of the documents and also fresh consideration of the petitioner's application, subject to payment of cost of ₹15,000/-.

5. Accordingly, this Court sets aside the impugned communication dated November 30, 2017 and directs the petitioner to furnish the documents, referred to in the communication dated November 30, 2017 within six weeks. But before that, the petitioner shall deposit cost of ₹15,000/- with the Delhi High Court Advocates Welfare Trust within four weeks from today. The respondent shall communicate any discrepancy in documents so submitted, to the petitioner, within two weeks of consideration by the Recommendation Committee. The discrepancies if any, shall be cured by the petitioner within two weeks thereafter. On the petitioner furnishing the documents along with the proof of deposit of the cost, the respondent shall consider the application of the petitioner for allotment of the alternative plot in accordance with the policy and the law and communicate the decision to the petitioner. The petition is disposed of as such. If the petitioner is still

aggrieved by the order to be passed by the respondent, the liberty shall be with the petitioner to seek such remedy as available in accordance with the law.

V. KAMESWAR RAO, J

JULY 17, 2018/ak