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

+ **W.P.(C) 2770/2017**

ANIL PAL

..... Petitioner

Through Mr.Rajesh Gupta with Mr.Harpreet
Singh, Mr.Moolchand Verma, Advs.

versus

GOVT OF NCT OF DELHI AND ANR

..... Respondent

Through Mr.Yeeshu Jain with Ms.Jyoti Tyagi,
Advs for R-1.

Mr. Shlok Chandra with Mr.Ritesh Sharma, Advs
for R-2.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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09.03.2018

Vide the present petition, the petitioner has prayed for quashing of the letter dated 27.11.2013 issued by respondent No.1 vide which his claim for allotment of alternative plot has been rejected on the ground that the petitioner had not submitted the requisite documents, despite demand by the respondents.

Learned counsel for the petitioner submits that the petitioner had duly submitted all the requisite documents on 12.07.2006 itself. He further submits that the letters dated 01.11.2012 and 11.01.2013 referred to in the impugned order, whereby the petitioner was asked to furnish requisite documents, were never received by him.

The record shows that despite opportunities, the respondent

no.1 had not filed any counter affidavit and vide order dated 08.11.2017, the respondent no.1's right to file counter affidavit was closed.

In view of the facts that the respondent's right to file counter affidavit stands closed and a perusal of Annexure P-5 shows that 10 documents were under due acknowledgement served in the office of the respondent no.1 on 12.07.2006, I see no reason to disbelieve the averment of the petitioner in the writ petition that he had duly submitted all the requisite documents to the respondent No.1 well in time. In my view, the petitioner is fully justified in claiming that despite the respondent no.1 being in possession of all the requisite documents, it has rejected the petitioner's application without due application of mind.

At this stage, learned counsel for respondent no.1 submits that keeping in view of the controversy of the case, the petitioner may be directed to once again supply the requisite documents to the respondent no.1. He further submits that in case any additional documents are required, the same would be communicated to the petitioner as well as his counsel who may then be asked to submit the necessary documents for reconsideration of his application.

The letter dated 27.11.2013 issued by respondent No.1 is quashed. The respondent No.1 will within 4 weeks communicate to the petitioner and his counsel the list of any additional documents which are still required from the petitioner. The petitioner will thereafter submit all the requisite documents as may be prescribed within four weeks thereafter. Upon the petitioner submitting all the

requisite documents, the respondent No.1 will reconsider the case of the petitioner as per his seniority.

The writ petition is disposed of in the above terms with no order as to costs.

REKHA PALLI, J

MARCH 09, 2018

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