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

Date of Order: August 24, 2018

\+ W.P.(C) 3024/2016

AZAD SINGH ..... Petitioner

Through: Mr. Pankaj Vivek, Mr. Atul Tripathi & Mr. Shashank Jha, Advocates

Versus

GOVT. OF NCT OF DELHI & ANR. ..... Respondents

Through: Mr. R.K. Sharma, Advocate for respondent No.1
Mr. Dhanesh Relan, Standing Counsel with Ms. Komal & Ms. Kajri Gupta, Advocates for respondent No.2-DDA

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Impugned order of 10th February, 2015 *(Annexure P-3)* rejects petitioner's application for allotment of alternate plot in lieu of acquired land on the ground that petitioner has failed to clarify the status in respect of property No.249-1, Second Floor, Rama Market, Munirka Village, New Delhi.

2. Learned counsel for petitioner assails the impugned order by drawing attention of this Court to application form *(Annexure P-8)* to point out that properties, which are in *abadi* area are exempted and subject property was situated in *abadi* area and so, impugned order is liable to be set aside. Attention of this Court has been drawn to petitioner's Representation *(Annexure P-23)* made on 17th September,

2015 to first respondent. It is the submission of petitioner's counsel that there is no response to the said Representation *(Annexure P-23)*, despite it being clarified therein that the aforesaid property is in *abadi* area and so, this cannot be the ground to reject petitioner's application.

3. Counsel for first respondent submits that Representation *(Annexure P-23)* was not responded to, because it was made after passing of the impugned order.

4. Upon hearing and on perusal of impugned order and the material on record, I find that since positive case of petitioner is that the aforesaid property is in *abadi* area, therefore, the onus shifts upon the first respondent to get it verified from the concerned Municipal authority as to whether the aforesaid property is in urbanized area or not. If the property in question is not found to be in urbanized area, then a report be called from the concerned SDM as to whether the aforesaid property falls in *abadi* area of village Munirka, New Delhi or not.

5. In view of above, first respondent is directed to give a speaking response to petitioner's Representation *(Annexure P-23)* within a period twelve weeks and if it is found that the aforesaid property is in *abadi* area, then petitioner's application for allotment of alternate plot be reconsidered by the authority concerned.

6. With aforesaid directions, this petition is disposed of.

(SUNIL GAUR)
JUDGE

AUGUST 24, 2018
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