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

+ **W.P.(C) 4788/2018**

RINKU

..... Petitioner

Through: Mr.Sanjay Singh, Adv.

versus

GOVT OF NCT OF DELHI

..... Respondent

Through: Mr.Yeeshu Jain with Ms.Jyoti Tyagi,
Advs.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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11.05.2018

Vide the present petition, the petitioner has sought quashing of an order dated 10.11.2017 passed by the respondent whereby he has been informed that his application for grant of alternative plot, has been rejected on the ground of non-submission of documents.

Learned counsel for the petitioner submits that the petitioner had submitted all the requisite documents and he had never received any communication from the respondent that he was required to furnish any further documents.

On the other hand, Mr.Yeeshu Jain, learned counsel for the respondent, submits that even if no personal notice was received by the petitioner, it was incumbent upon him to submit the requisite documents in response to notices published in various newspapers requiring such applicants to furnish complete documents. He submits

that the petitioner having not done so, the respondent cannot be faulted for having rejected his application on the ground of non-submission of documents.

I have heard learned counsel for the parties and find that, even though the respondents may be justified in contending that it was incumbent upon the petitioner to respond to the various notices published in the newspapers, the contention of the petitioner that he did not come across any of the newspapers relied upon by the respondent, cannot be ignored. I cannot lose sight of the fact that though the copies of notices addressed to the petitioner are available on record of the respondent, there is nothing to show that any notice was ever served to the petitioner and thus I have no hesitation in holding that the petitioner's application was rejected without giving him any opportunity to submit the requisite documents.

In my considered opinion, there is merit in the submission of learned counsel for the petitioner that there was no reason as to why the petitioner had not submitted the documents, in case he had any information about the requirement to submit any further documents. It is also pertinent to note that the petitioner has approached this Court promptly upon learning about the rejection of his case.

For the aforesaid reasons, the impugned order dated 10.11.2017 passed by the respondent, is quashed. The matter is remanded back to the respondent to re-consider the petitioner's case and the petitioner is granted two weeks time to submit copies of the documents as referred to in the impugned order. In case, after receipt of the relevant documents, the respondent requires any further documents, the same

would be duly communicated to the petitioner. Upon receipt of the necessary documents from the petitioner, the respondent will pass a reasoned and speaking order on the petitioner's application within three months thereafter.

In view of the fact that the petitioner is also at fault in not responding to the notices published in various newspapers, the petition is allowed subject to the petitioner depositing costs of Rs.10,000/- in Delhi High Court Bar Association Advocates Welfare Trust.

The petition is allowed in the aforesaid terms.

REKHA PALLI, J

MAY 11, 2018

gm