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

+ W.P.(C) 5540/2018

DHARAMBIR SINGH Petitioner
Through Mr.H.N. Pandey, Adv.

versus

GOVT. OF NCT OF DELHI THROUGH SECRETARY L
AND B DEPARTMENT Respondent
Through Mr.Yeeshu Jain, Adv.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **22.05.2018**

Vide the present petition, the petitioner impugns the Respondent's letter dated 13.11.2017, vide which his application for grant of alternative plot was rejected on the ground of non submission of documents. Learned counsel for the petitioner submits that the petitioner had vide his letter dated 13.07.2015 submitted all the documents which were available with him and he, therefore, remained under the impression that in case any further documents were required, he would receive a fresh notice.

On the other hand, Mr.Yeeshu Jain, learned counsel for the respondent who appears on advance notice, submits that once the petitioner's own letter clearly states that he was furnishing copies of some of the documents, it was incumbent upon the petitioner to submit the remaining documents also, which he admittedly did not do for the next two years. In these circumstances, Mr.Jain submits that

the impugned decision of the respondent cannot be faulted.

Having heard the learned counsels for the parties, while I am of the considered view that the petitioner was at fault in not furnishing the remaining documents despite being directed to do so, there is some merit in the explanation given by the learned counsel for the petitioner that as the petitioner, who is an illiterate person, did not receive any further communication from the respondent, he remained under the impression that the documents which he had furnished were sufficient for a decision on his application. Therefore, I deem it appropriate to quash the order dated 13.11.2017 and remand the matter back to the respondent to reconsider the petitioner's application.

At this stage, learned counsel for the petitioner prays that the petitioner may be granted an opportunity to submit the remaining documents by way of a mercy plea, within eight weeks.

The petitioner is, accordingly, granted an opportunity to furnish the requisite documents specifically mentioned in the rejection letter within a period of eight weeks to the respondent. Upon receipt of the said documents, the respondent will re-consider the petitioner's application for grant of alternative plot within a further period of twelve weeks.

In view of the fact that the petitioner is guilty of having not furnished the documents despite being directed to do so, in my opinion, he is liable to pay costs of Rs.15,000/- within one week, payable to the Delhi High Court Advocates Welfare Trust. A copy of the receipt showing deposit of costs will be duly furnished along with

a copy of this order to the respondent.

The writ petition is disposed of in the aforesaid terms.

REKHA PALLI, J

MAY 22, 2018/aa