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

+ W.P.(C) 5174/2018

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

versus

GOVT. OF NCT DELHI THROUGH SECRETARY
LAND 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 has impugned the respondent's letter dated 16.10.2017, whereby he has been informed that his application for allotment of alternative plot, had been rejected on the ground of non-submission of documents. Learned counsel for the petitioner submits that the basis of rejecting of the petitioner's application is factually incorrect, as the petitioner had submitted all the requisite documents from time to time. He draws my attention to various letters written by the petitioner, including the letter dated 02.10.2017, which was duly received by the respondent, in support of his contention that all the necessary documents were available with the petitioner.

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 16.10.2017 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