

\$~11

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

+ **W.P.(C) 5199/2018**

SHRI PHOOL SINGH

..... Petitioner

Through: Ms.Toral Banerjee & Mr.N.S. Dalal,
Advs.

versus

LAND & BUILDING DEPARTMENT

..... Respondent

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

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

%

22.05.2018

Vide the present petition, the petitioner has impugned the 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 rejection 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 25.06.2015 which was duly received by the respondent, in support of his contention that all the documents were available with the respondent.

On the other hand, Mr.Yeeshu Jain who appears for the respondent contends that in case the petitioner had furnished all the

requisite documents, there was no reason as to why the Recommendation Committee would come to a conclusion that the petitioner had not furnished the requisite documents.

At this stage, learned counsel for the petitioner submits that the petitioner was never informed about any further deficiency in his documents and, therefore, prays that the petitioner be granted one last opportunity to submit all further documents, as may be required.

Learned counsel for the respondent does not oppose the aforesaid course of action but prays that in view of his negligence, the petitioner, ought to be put to costs.

Accordingly, the letter dated 16.10.2017 is hereby quashed and the petitioner is granted 8 weeks time to furnish the requisite documents to the respondent.

It is made clear that while reconsidering the petitioner's application, the respondent will duly consider all the documents submitted by the petitioner and, in case, any further documents are required from the petitioner, the respondent will inform the petitioner about the same within four weeks, who will then submit the same within a further period of four weeks. Upon the receipt of the requisite documents from the petitioner, the respondent will decide the petitioner's application by passing a reasoned and speaking order within 12 weeks. It is made clear that if the requisite documents are not furnished to the respondent within the time granted, the respondent will be at liberty to decide the petitioner's application on basis of documents already on record. It is made clear that the present order has been passed without prejudice to the rights and contentions

of the parties.

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, the petitioner 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 copy of this order to the respondent.

Needless to say, in case the petitioner is still aggrieved by the order passed by respondent, it will be open to the petitioner to take legal recourse as permissible under law.

REKHA PALLI, J

MAY 22, 2018

gm