

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

Date of Order: August 17, 2018

+ **W.P.(C) 8386/2016**

DEEP CHAND Petitioner

Through: Mr. N.S.Dalal & Mr. Devesh
Pratap Singh, Advocates

Versus

LAND & BUILDING DEPARTMENT Respondent

Through: Mr. Yeeshu Jain, Standing Counsel
with Ms. Jyoti Tyagi, Advocate

+ **W.P.(C) 8458/2016**

SUBINDER SINGH TOKAS Petitioner

Through: Mr. N.S.Dalal & Mr. Devesh
Pratap Singh, Advocates

Versus

LAND & BUILDING DEPARTMENT Respondent

Through: Mr. Yeeshu Jain, Standing Counsel
with Ms. Jyoti Tyagi, Advocate

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. In the above captioned two petitions, denial of consideration of application for alternate plot in lieu of acquired land is under challenge by placing reliance upon order of 8th November, 2017 of a Division Bench of

this Court in LPA No. 276/2017, titled as *Shri Jai Bhagwan Vs. Land & Building Department*.

2. With the consent of counsel for the parties, the above captioned petitions, being identical, have been heard together and are being disposed of by this common order.

3. Petitioners in pursuance to Circular of 14th September, 1987 had applied for allotment of alternate plot on 9th November, 1987 and their grievance is that despite reminder issued to respondent in the year 2011, their application has not been considered and decided.

4. In the counter affidavit filed by respondent, the stand taken is that despite issuance of letters in the years 2000 and 2007, requisite documents were not supplied by petitioners and in November, 2011, a reminder was sent for inclusion of name of their grandmother in the seniority list.

5. Upon hearing and on perusal of material on record and the decision cited, I find that counter affidavit filed by respondent is silent on the aspect as to whether the requisite documents were supplied by petitioners or not. The stand of petitioners is that all documents asked for were supplied. In view of Division Bench's decision in *Shri Jai Bhagwan (Supra)*, petitioners are entitled for consideration of the application of their grandmother for allotment of alternative plot.

6. The above captioned petitions are disposed of with direction to respondent to consider afore-referred application of 9th November, 1987 within three months. If any document is still required, its intimation be given to petitioners within four weeks from today, who shall make good

the deficiency within four weeks thereafter. It is made clear that the delay aspect shall be considered by respondent in the light of Notice of 22nd January, 1989 while dealing with petitioner's application for allotment of alternate plot. The fate of petitioners' application be made known to petitioners within two weeks of disposing of the said application, so that they may avail of the remedies, as available in law, if need be.

7. With aforesaid directions, these petitions are accordingly disposed of.

(SUNIL GAUR)
JUDGE

AUGUST 17, 2018

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