

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

Date of Order: October 12, 2018

+ **W.P.(C) 10926/2018**

SHRI SATPAL

.....Petitioner

Through: Mr. N.S. Dalal, Advocate

versus

LAND AND BUILDING DEPARTMENT

.....Respondent

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

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Petitioner's application for allotment of alternate plot in lieu of acquired land stands dismissed vide impugned order of 27th May, 2014 due to non-submission of requisite documents. This is second round of litigation. In the first round, respondent vide order of 29th June, 2013 (*Annexure P-7 colly.*) was called upon to scrutinize petitioner's application for allotment of alternate plot within a period of eight weeks, with permission to petitioner to remove the deficiencies within four weeks of receipt of Communication from respondent. Vide Communication of 24th August, 2013 (*Annexure P-9 colly.*), petitioner was intimated about the deficiencies in the documents submitted. As per impugned order, the deficiency pointed out in aforesaid Communication were not rectified by petitioner and so, petitioner's application for allotment of alternate plot stands rejected.

2. Learned counsel for petitioner submits that wife of petitioner's brother suddenly left the house in the year 2013, due to which petitioner's brother became depressed and had ultimately died in January, 2015 and thereafter, petitioner had to take care of minor children of his brother and so, petitioner could not pursue his application for allotment of alternate plot.

3. Upon hearing, I find that there is delay of about four years and the explanation furnished by petitioner does not hold good as in the year 2013, petitioner had approached this Court for the relief sought.

4. Considering the fact that few deficiencies in documents as pointed out by respondent, have been made available to respondent by way of Land Acquisition Collector's Report (*Annexure P-11*). To make good the remaining deficiencies, it is deemed appropriate to give one opportunity to petitioner to submit the information/documents sought at serial Nos. 8, 9, 12 & 13 as mentioned in respondent's Communication of 24th October, 2013 (*Annexure P-9 colly.*), while subjecting petitioner to terms.

5. In the impugned order, there is reference to respondent's Communication of 8th January, 2014 to petitioner, which has not been placed on record. Learned counsel for petitioner submits that respondent's Communication of 8th January, 2014 has not been received by petitioner and the deficiencies pointed out by respondent in its Communication of 8th January, 2014 will be made good within six weeks upon supplying copy of aforesaid Communication to petitioner.

6. In view of aforesaid, there is no point in inviting counter affidavit to this petition, as for the gross and inordinate delay occasioned,

petitioner is subjected to terms as no plausible explanation is forthcoming for petitioner's grossly negligent conduct. Subject to petitioner depositing costs of ₹1,00,000/- with *the Prime Minister's National Relief Fund*, within six weeks from today and on producing the proof of deposit of costs, petitioner's application for allotment of alternate plot in lieu of acquired land, be reconsidered by respondent within a period of 30 weeks and prior thereto, deficiencies be pointed out by respondent to petitioner within a period of four weeks and petitioner shall make good the said deficiencies within another six weeks. The fate of reconsideration of petitioner's application for allotment of alternate plot in lieu of acquired land, be intimated to petitioner within a period of four weeks thereafter, so that petitioner may avail of remedies as available in law, if need be.

7. With aforesaid directions, this petition is accordingly disposed of.

DASTI.

OCTOBER 12, 2018

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**(SUNIL GAUR)
JUDGE**

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