

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: August 16, 2018

+ W.P.(C) 10021/2017

AJAB SINGH Petitioner

Through: Mr. N.S.Dalal, Advocate

Versus

LAND & BUILDING DEPARTMENT Respondent

Through: Mr. R.K.Sharma, Advocate

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

(ORAL)

1. Impugned order of 27th January, 2017 (*Annexure P-1*) rejects petitioner's application for allotment of alternate plot in lieu of acquired land, while observing that less than one bigha of petitioner's land was acquired and the registered Relinquishment Deed has not been filed. Impugned order also takes note of the fact that affidavit filed is of petitioner's brother, which is notarized instead of being duly attested.
2. The challenge to the impugned order by learned counsel for petitioner is on the ground that registered Relinquishment Deed was submitted and as per Revenue Record, petitioner and his co-sharers had possessed more than one bigha of land, which was acquired. It is submitted that petitioner was not aware that a duly attested affidavit of his brother is required to be submitted and in any case, it can be now submitted and petitioner's case ought to be recommended by respondent to Delhi Development Authority for allotment of alternate plot in lieu of land acquired.

3. Counsel for respondent supports the impugned order and for this purpose, relies upon counter affidavit filed along with this petition.

4. Upon hearing and on perusal of impugned order and the material on record, I find that defects pointed out in the impugned order are curable one. In the facts and circumstances of this case, it is deemed appropriate to direct first respondent to reconsider petitioner's application for allotment of alternate plot in lieu of acquired land, upon petitioner submitting registered Relinquishment Deed and attested affidavit of his brother-Mr. Vijay, s/o Kashmira Singh, to respondent within a period of four weeks. It is also undertaken by petitioner's counsel that the relevant revenue record to indicate that more than one bigha of land was acquired, would be also furnished to respondent within the aforesaid time line. Upon receiving of aforesaid documents, respondent shall consider them and process petitioner's application within a period of twelve weeks, if petitioner's documents are found in order. It is made clear that if for any reason whatsoever, petitioner's application for allotment of alternate plot is not recommended, then reasons for not doing so, be supplied to petitioner within a period of two weeks thereafter, so that petitioner may avail of the remedies, as available in law, if need be.

5. With aforesaid directions, this petition is disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

AUGUST 16, 2018

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