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

+ W.P.(C) 11636/2017

SHRI BRIJ MOHAN

.....Petitioner

Through: Mr. N S Dalal, Advocate with Mr.
Amit Dhankhar, 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

% **01.10.2018**

Impugned order of 10th November, 2017 (*Annexure P-1*) rejects petitioner's application for allotment of alternate plot in lieu of acquired land on the ground that petitioner had not furnished the requisite documents i.e., *Affidavit, Payment certificate, Complete Revenue Record, SMC, Statement-A* in r/o claim of alternative plot, inspite of being given sufficient opportunity. In the counter affidavit filed by the respondent, it is spelt out that the petitioner has not submitted certified copy of Statement-A and has filed incomplete payment certificate which didn't carry complete payment details of all the khasra numbers, as no information was provided for khasra number 616, 672 and 673. The petitioner has also not furnished complete Khatoni and the photocopy of SMC has been furnished whereas as per requirement the petitioner was supposed to furnish the original SMC. Petitioner submitted the copy of the said SMC on 30.8.2017 i.e. after the last date of submission of documents and the petitioner also did not file proper affidavit in

prescribed format as per the requirement and format of the answering respondent.

Learned counsel for petitioner submits that documents received from the revenue authorities, were submitted vide application of 22nd November, 2016 (*Annexure P-3 colly.*) which were duly received by the respondent.

The deficiencies in the application was made known to petitioner and similarly situated persons, by way of public notice in the leading newspapers.

Upon hearing and on perusal of impugned order and the material on record, I find that for the delay occasioned in not furnishing the requisite documents, petitioner ought to be put to terms.

In the facts and circumstances of this case, it is deemed appropriate to give one opportunity to petitioner to make up the deficiencies, while putting petitioner to terms. Subject to petitioner depositing cost of ₹15,000/- with Prime Minister's National Relief Fund within a period of six weeks and upon producing the proof of deposit alongwith the documents sought, petitioner's application for allotment of alternate plot in lieu of the acquired land, be reconsidered within a period of sixteen weeks and the fate of petitioner's application be made known to him within four weeks thereafter, so that petitioner may avail of the remedies as available in law, if need be.

With the aforesaid directions, this petition is disposed of.

SUNIL GAUR, J

OCTOBER 01, 2018

v