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

+ W.P.(C) 2650/2019 & CM APPL. 12282/2019

SH.BALRAJ SINGH

..... Petitioner

Through Mr.Kartik Rai and Ms.Aishwarya
Tyagi, Advs.

versus

GOVERNMENT OF NCT OF DELHI &ANR. Respondents

Through Mr.Sanjay Kumar Pathak, Mr.Sunil
Kumar Jha and Mr.M.S.Akhtar, Advs.
for R-1/Govt. of NCT of Delhi.

Mr.Dhanesh Relan, Standing Counsel
with Ms.Gauri Chaturvedi and
Ms.Kajri Gupta, Advs. for R-2/DDA.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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20.01.2020

1. This writ petition is filed seeking a writ, order or direction for *setting aside* the rejection order/letter dated 16.10.2017 passed by respondent No.1/Govt. of NCT of Delhi.
2. The case of the petitioner is that the petitioner's father was the recorded owner of 8/63rd share of the agricultural land measuring 18 bighas 17 biswas comprising Khasra No.56min (0-16), 58min (01-03), 59min (01-07), 63 (2-01), 157 (3-09), 243 (04-17), 248 (05-04) situated in Village Ghonda Gujran Khadar, Illaqa Shahdara Delhi. The father was also the recorded owner of 4/63rd share of the agricultural lands measuring 4 bigha and 15 biswa comprised in Kh. No.72min (4-03), 206min (0-12) and another 8/63rd share of the agricultural land measuring 3 bigha and 1 biswa comprised in Kh. No.12min (3-01) situated in Village Garhi Mendu, Delhi.

3. The said lands were acquired vide award No.13/92-93 dated 19.06.1992 and the compensation was received by the petitioner's father on 10.11.2016. The petitioner's father had applied for allotment of an alternative plot in lieu of the acquired land vide application dated 09.05.2006. However, the petitioner's father Sh.Raghubir Singh expired on 28.02.2017.

4. It is claimed that the petitioner's father had received a letter from respondent No. 1 dated 04.07.2016 wherein respondent No. 1 requested the petitioner to furnish certain documents which were submitted by the petitioner on 26.10.2016. However, on 16.10.2017 the petitioner's father was informed that his application for allotment of an alternative plot has been rejected.

5. The respondent has in counter affidavit stated that sufficient/various opportunities were given/provided to the petitioner on 04.07.2016, 15.12.2016, 22.03.2017 and 14.07.2017 to submit requisite documents. A final opportunity was granted vide public notice dated 29.07.2017 issued in Hindustan Times and Navbharat Times. It is only thereafter that the impugned order was passed.

6. I have heard learned counsel for the parties.

7. Learned counsel for the petitioner relies upon the judgment of a Co-ordinate Bench of this court in the case of W.P.(C) 1064/2018, title 'Sh.Azad Singh v. Govt. of NCT of Delhi & Anr.', decided on 07.08.2018 to submit that further time may be granted to the petitioner to file the documents subject to payment of cost.

8. As per the petitioner, on 26.10.2016 necessary documents were supplied to the respondent. A copy of the letter dated 04.07.2016 is placed on record which shows the receipt of the documents on 26.10.2016.

9. Learned counsel for the petitioner has also pointed out that occupancy certificate has not been filed by the petitioner which is the only document inadvertently not filed. He submits that if liberty is granted to the petitioner he will file the same within two weeks from today.

10. A Co-ordinate Bench of this court in W.P.(C) 1064/2018, titled '**Sh.Azad Singh v. Govt. of NCT of Delhi & Anr.**', (supra) noting the submissions of respondent No.1 held as follows:

*“5. Noting the submissions made, and in view of the order of this Court in **Bhanwar Singh (supra)**, the communication dated November 10, 2017 is set aside. Petitioner shall submit the aforesaid two documents afresh in original to the respondent within four weeks from today subject to payment cost of Rs. 15,000/- to the Delhi High Court Advocates Welfare Trust. Any deficiencies in the documents shall be communicated by the respondent no. 1 to the petitioner within two weeks of the receipt of the documents. The petitioner shall remove such deficiencies (if any) within two weeks of receipt of the said communication. The respondent shall then consider the case of the petitioner in accordance with the policy in vogue and take appropriate decision. The decision taken shall be communicated to the petitioner. If aggrieved, petitioner is at liberty to seek such remedy as available in law.”*

11. The relevant facts here are that the land in question was acquired vide award dated 19.06.1992, compensation was received by the petitioner's father on 10.11.2016. There is some delay in filing the occupancy certificate.

12. Keeping in view the fact that the delay is only of some months in filing the occupancy certificate, it would cause grave injustice to the petitioner in case the same is not taken on record.

13. Subject to payment of costs of Rs.15,000/- payable to the Delhi High Court Bar Association Lawyers Social Security and Welfare Fund, New Delhi, the petitioner is permitted to place on record the occupancy certificate within two weeks from today.

14. In view of the above, the petition is allowed. All pending applications, if any, are also disposed of.

15. The impugned order dated 16.10.2017 stands quashed. The concerned functionary of the respondent on receipt of the occupancy status will decide the application of the petitioner afresh as per law uninfluenced by any of the observations made by this court. Needful be done expeditiously preferably within four months.

16. A copy of this order be given *dasti* under the signatures of the court master.

JAYANT NATH, J.

JANUARY 20, 2020/v