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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 3322/2019
DEVENDER SINGH Petitioner
Through Mr.Naresh K.Daksh, Adv.

versus

GOVT. OF NCT OF DELHI Respondent
Through Mr.Sanjay Kumar Pathak, Mr.Sunil
Kumar Jha and Mr.M.S.Akhtar, Adv.
for R-1/Govt. of NCT of Delhi

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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22.01.2020

1. This writ petition is filed seeking a writ of mandamus to *set aside* the order dated 16.12.2014 of the respondent rejecting the application of the petitioner for allotment of an alternative plot.
2. The case of the petitioner is that the agricultural land situated at Village Pochanpur, New Delhi owned and possessed by the petitioner was acquired by the respondent and an award was passed on 09.12.2002. Compensation was paid on 19.01.2003. As per rehabilitation policy of the respondent, the father of the petitioner Sh.Rajender Singh submitted an application on 29.09.2003 for allotment of an alternative plot along with specimen signature, payment certificate, affidavit and revenue record etc. On 16.12.2014, after lapse of almost 11 years from the date the application was filed, the application of the petitioner was rejected as it was stated that the said application form submitted by the father of the petitioner is unsigned. Hence, this writ petition challenging the said order dated 16.12.2014.

3. I have heard the learned counsel for the parties.
4. The learned counsel for the petitioner has taken me through a certified copy of the application form filed by the father of the petitioner. The said application form is signed by the father of the petitioner Sh.Rajender Singh at pages No.2 and 4. Inadvertently it was not signed at page No.3. Along with the application form specimen signatures, payment certificate, affidavit and revenue record etc. have also been filed.
5. It is stated that merely because in the application form at one place, i.e. at page No.3 Sh.Rajender Singh could not affix his signature, the same constitutes no ground to reject the application.
6. The learned counsel for the respondent however states that the present petition is barred by delay and laches. He relies upon a judgment of a Co-ordinate Bench of this case in the case of *Hargyan Singh v. Govt. of NCT of Delhi*, decided on 29.03.2019.
7. Regarding the order dated 16.12.2014 rejecting the application of the petitioner, it is clear that the application form is rejected on the ground that it is unsigned.
8. A perusal of the application form clearly shows that it has been duly signed at different pages. It is supported by an affidavit, which is duly signed and notarized. Merely at one place, i.e. at page No.3, Sh.Rajender Singh, the father of the petitioner has failed to affix his signature. This would constitute a minor infirmity and it could not lead to rejection of the application for allotment of an alternative plot. The application cannot said to be an unsigned application. To that extent the impugned order is erroneous.

9. On the issue of delay and laches, the petitioner has explained that the petitioner was not in possession of a copy of the application that has been filed by late Sh.Rajender Singh. It is only after RTI application was filed that the petitioner got/obtained a copy of the application filed by his father Sh.Rajender Singh.

10. Even otherwise, I cannot help noticing that late Sh.Rajender Singh, the predecessor of the petitioner had made this application for allotment of alternative plot on 29.09.2003.

11. This application has been decided by the respondent after lapse of 11 years on 16.12.2014.

12. In my opinion, the respondent themselves have taken almost 11 years to decide the application of the petitioner for allotment of an alternative plot. They cannot turn around now accusing the petitioner of delay in filing of the present writ petition.

13. Accordingly, there is merit in the present petition. The impugned communication dated 16.12.2014 is quashed. The respondent/concerned Secretary, Land & Building Department will ensure that a decision is taken on the application of the predecessor of the petitioner afresh within three months from today. The decision will be duly communicated to the petitioner.

14. With the above direction the present writ petition is disposed of. All pending applications, if any, are also disposed of.

JAYANT NATH, J.

JANUARY 22, 2020/v