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

+ W.P. (C) No. 10244/2019

BALWAN SINGH & ANR.

... Petitioners

Through: Mr. Anuj Saini, Adv.

versus

GOVERNMENT OF NCT OF DELHI

... Respondent

Through: Mr. Rishikesh Kumar, Adv. for
GNCTD.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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24.02.2020

1. This petition is filed by the petitioner seeking to impugn the order dated 30.01.2019 whereby the application of the petitioner for allotment of an alternative plot was rejected. The case of the petitioner is that the father of the petitioner was the owner of the land being Khasra No.86, Revenue Estate of village Rajpur Kalan, Delhi. Respondent issued a notification for acquisition of the said land. The land was acquired vide an award dated 6.7.2014 and compensation was paid on 27.1.2005. As per policy, an application for allotting an alternate plot was made by the father of the petitioner.

2. On 06.01.2010, the father of the petitioner died leaving behind the petitioners and two sisters. The two sisters of the petitioners executed a relinquishment deed in favour of the petitioners. The petitioner claims that all necessary documents were submitted in 2012. He also attended the personal hearing afforded by the respondent on 22.04.2016. As directed by the respondent the petitioner submitted the death certificate of the father on 2.5.2016. On 13.7.2016 documents were submitted by the petitioner. In February, 2018 the petitioner submitted Status Report of

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Certify that the digital and physical file have
been compared and the digital data is as per
the physical file and no page is missing.

remaining land same being nil. On 14.05.2018 the death certificate was again submitted.

3. A letter dated 14.01.2019 was sent by the respondent in the name of the petitioner's father requiring some documents and also requiring the petitioner to appear before the Recommendation Committee. The postman did visit the residence of the petitioner with the said letter but as the father had passed away and no family member was present at home, he returned the letter with remark "not delivered insufficient address". The matter was proceeded ex parte by the respondent and the impugned order was passed rejecting the case of the petitioner as the Committee was of the view that the petitioner was not interested in pursuing the matter.

4. I have heard learned counsel for the parties. Learned counsel for the petitioner submits that he never received any communication dated 14.01.2019 for the hearing to be held. There is nothing to show that notice of hearing dated 14.01.2019 was delivered to the petitioner. The fact is that the petitioner did not receive the notice dated 14.01.2019 for hearing to be held on 30.01.2019. To that extent, in my opinion, the impugned order dated 30.01.2019 has been passed contrary to the facts of the case namely that respondent no.1 is unserved. I accordingly set aside the impugned order dated 30.01.2019.

5. Let the petitioner appear before concerned respondent again on 29.05.2020 at 03.00pm. Any defects in the documents filed will be pointed out by the respondents to the petitioner who shall rectify the same within another 30 days from the date of knowledge of the defects. Thereafter, the concerned officer/Committee shall dispose of the application of the petitioner as per law.

6. Petition stands disposed of.



JAYANT NATH, J.

FEBRUARY 24, 2020/st