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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 2881/2017
ANAND AND ANR Petitioner
Through: Mr. Ashish Upadhayay, Advocate

versus
UNION OF INDIA Respondent
Through: Mr. Yeeshu Jain, Standing Counsel
with Ms. Jyoti Tyagi, Advocate.

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER
% **24.02.2020**

This writ petition is filed by the petitioners seeking a direction to the respondent to recommend to the DDA for allotment of an alternative plot to the petitioners.

The case of the petitioners is that notification was issued for acquisition of land situated in the revenue estate of Matiala, New Delhi. The share of the petitioners in the aforesaid land was to the extent of 1/8th each. The Date of Birth of petitioner No.1 is 04.01.1977 and Date of Birth of petitioner No. 2 is 17.01.1978. They were minors at the time of acquisition. The father of the petitioners was in the Army and expired on 01.03.1978. After the death of the father the uncle of the petitioners' was appointed as the Guardian. On 05.10.1987 on behalf of the petitioners, the uncle of the petitioners filed an application for allotment of an alternative plot of 400 Sq.Yds before the respondents. The application was taken up at Serial No. 16217 in the prescribed format and was accompanied with all the requisite

documents.

It is the case of the petitioners that the application that was filed on behalf of the petitioners on 05.10.1987 was lost by the respondent. Thereafter, the petitioners filed a fresh application on 15.01.1992. This application was rejected by the respondent on 03.03.1999 stating it to be barred by time. Subsequently, the petitioners filed a writ petition being W.P.(C) No. 9336/2014, which was disposed of by this Court directing the respondent to communicate to the petitioners and inform the status of the application filed on 05.10.1987 within four weeks from today.

It is the grievance of the petitioners that despite this order, nothing has been heard from the respondent whatsoever. This writ petition was filed in 2017. Till date no counter affidavit has been filed by the respondent. On 25.09.2019, this Court had granted a final opportunity to file counter affidavit. The needful has still not been done.

I cannot help noticing that in this case the land was acquired and possession was taken on 09.10.1986. The petitioners state that compensation was received by them on 31.12.1999. It is manifest that the application for receiving of alternate plot was filed much earlier on 05.10.1987 and subsequently was filed on 14.01.1992.

Apart from the above there is a categorical averment made in the writ petition that the application was filed on 05.10.1987 at Serial No.16217. There is no denial on record of the same.

Later on, learned counsel for the respondent mentioned the matter saying that from the records made available, there are serious allegations of forgery on the part of the petitioner. She submits that this Court may keep the matter for directions as the order has not been signed.

List this matter for directions on 26.02.2020.

FEBRUARY 24, 2020/Aj

JAYANT NATH, J.