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

+ W.P.(C) 8812/2016 & CM APPL.36038/2016

ATTAR SINGH

..... Petitioner

Through: Mr. Digvijay Rai and Mr. Aman
Yadav, Advocates

versus

GOVERNMENT OF NCT & ORS

..... Respondent

Through: Mr.Yeeshu Jain and Ms.Jyoti Tyagi,
Adv. for R-1 and R-2
Ms.Saakshi Agrawal, Adv. for UOI

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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27.01.2020

1. This Writ Petition is filed seeking to impugn the order dated 8.1.2014 passed by respondent No.1 rejecting the application of the petitioner for grant of an alternative plot. The case of the petitioner is that the land of the predecessor of the petitioner was acquired by Notification under section 4 of the Land Acquisition Act on 13.12.2000. Possession was taken over by respondent No.2 in 2002 and compensation was paid on 3.12.2002. On 1.4.2003 the petitioner applied for an alternate plot under the policy of the respondent. On 8.1.2014 the respondent rejected the application of the petitioner stating that the land of the petitioner had not been acquired in entirety. Based on the judgment of the Supreme Court in **Delhi Administration vs. Jai Singh Kanwar, CA 8289/2010** the case of the applicant was rejected.

2. Learned counsel for the petitioner, however, urges that the facts of the case here are different. He submits that the brother of the petitioner who is identically situated has already been allotted land. Reliance is placed on the Minutes of Meeting dated 25.6.2014 whereby the wife of late Shri Azad Singh (who is real brother of the petitioner) was recommended for an alternate plot of 80 sq.yards.
3. Reliance is also placed on a judgment of a co-ordinate Bench of this court in a Review Petition No.105/2014 in W.P.(C)431/2014 titled ***Rajender Singh vs. Govt. of NCT of Delhi*** dated 2.7.2015 whereby this court had under similar facts and circumstances remanded the matter back to the recommendation committee for reconsideration.
4. Learned counsel for the respondent states that the issues raised by the petitioner are pending before the Division Bench.
5. A perusal of the judgment of the co-ordinate Bench of this court dated 2.7.2015 shows that the facts are virtually identical. In that case also the sibling of the petitioner who was similarly placed had been recommended by the Committee for an alternate plot. This court in that case had remanded the matter back to the recommendation committee for reconsideration.
6. Keeping in view the judgment of the co-ordinate Bench dated 2.7.2015 it would be in the interest of justice that the respondent may have a re-look at the impugned order. I accordingly, keep the impugned order dated 8.1.2014 in abeyance. The respondent is directed to give a personal hearing to the petitioner/authorised representative of the petitioner. Based on the submissions made, respondent may consider the matter as per law. I may only state that any observations made by this court in this order shall not influence the decision of the respondents.

7. With the above directions, the petition stands disposed of. The case of the petitioner shall be disposed of by the respondent within four months from today. Written intimation will be sent to the petitioner intimating the date, place and time of the hearing.

JAYANT NATH, J

JANUARY 27, 2020

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