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

% *Decided on: 10th April, 2023*

+ W.P.(C) 14824/2021 and CM APPL. 16833/2023

MONISH BAWEJA

..... Petitioner

Through: Mr. M.P. Bhargava and
Mr. Aashu Tyagi, Advocates
(M:9811063103)

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Ruchir Mishra,
Mr. Mukesh Kr. Tiwari,
Ms. Reba Jena Mishra,
Advocates for R-1/UOI
(M. 8368422800)

Mr. Sanjay Katyal, Standing
Counsel for DDA, along with
Mr. Chand Chopra, Mr. Nihal
Singh, Advocates for R-4
(M:8920345580, email:
chand@chandchopra.com)

Mr. Rajneesh Sharma,
Advocate for R-2, 3 and 5
(M:9810613420, email:
rajneeshsharma09@gmail.com)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

[Physical Hearing/ Hybrid Hearing]

MINI PUSHKARNA, J. (ORAL):

1. The present writ petition has been filed challenging the order dated 30.09.2016 passed by the office of Sub Divisional Magistrate

(Head Quarter) Office of District Magistrate (South), M.B. Road, Saket, New Delhi – 110068.

2. By the said order, the claim of the petitioner for alternative allotment of plot was rejected on the ground that as per local enquiry conducted by the concerned Revenue Official, the family of the petitioner herein resided in House No. 111, Uday Park, New Delhi. Thus, by way of impugned order, it was stated that the policy of alternative allotment of plots was a rehabilitative measure in order to rehabilitate those farmers whose land had been acquired and they have become homeless or landless. Since in the present case, the petitioner was already having a house as aforesaid, the case of the petitioner was rejected and he was held as not entitled to allotment of any alternative plot.

3. On behalf of the petitioner, an additional affidavit has come to be filed, wherein it is categorically stated on behalf of one Harvansh Kumar Chaudhry that his wife is the real owner of House No. 111, Uday Park, New Delhi – 110049. Along with the additional affidavit dated 04.04.2023, conveyance deed in favour of wife of Sh. Harvansh Kumar Chaudhry has also been placed on record.

4. Thus, it transpires that the very basis of rejection of the claim of petitioner is wrong, as the petitioner has filed documents which clearly show that the said house belongs to some third party and not to the petitioner or his family.

5. Learned counsel for the respondent submits that these documents regarding the aforesaid house being under the ownership of

some third person and not being owned by the petitioner herein, were never placed before the Scrutiny Committee. Thus, he submits that the Scrutiny Committee passed by the impugned order on the basis of the material available before it.

6. Having heard the learned counsels for the parties and after perusal of the record, it is considered apposite to remand back the matter to the Scrutiny Committee to examine the case of the petitioner afresh. The Scrutiny Committee may consider all the documents as may be provided by the petitioner before the Scrutiny Committee. The Scrutiny Committee is at liberty to requisition any document from the petitioner. Further, the petitioner is also at liberty to file requisite documents with the office of the Sub Divisional Magistrate (Head Quarter) Office of District Magistrate (South), M.B. Road, Saket, New Delhi – 110068. The petitioner may also be granted hearing before passing of any final order on consideration of his case for alternative allotment.

7. The Scrutiny Committee is expected to consider the case of the petitioner expeditiously, preferably within a period of three months of submission of documents by the petitioner.

8. The present writ petition is disposed of with the aforesaid directions along with pending application.

MINI PUSHKARNA, J

APRIL 10, 2023

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