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

% *Decided on: 23rd March, 2023*

+ W.P.(C) 13180/2018

BHAGAT SINGH Petitioner

Through: Mr. Kartik Rai, Advocate
(M:9810387935,email:attorneyl
brai@gmail.com)

versus

GOVERNMENT OF NCT OF DELHI & ANR Respondents

Through: Mr. Yeeshu Jain, Standing
Counsel with Ms. Jyoti Tyagi,
Ms. Manisha, Advocates for
L&B Department
(M:9811394417)
Ms. Asiya Khan, Advocate for
R-2/DDA

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

[Physical Hearing/ Hybrid Hearing]

MINI PUSHKARNA, J. (ORAL):

1. The present writ petition has been filed challenging letter/order dated 16.10.2017 issued by the Land & Building Department (Alternative Branch), Government of NCT of Delhi, by which the application of the petitioner for allotment of alternative plot in lieu of acquired land was rejected. The said order dated 16.10.2017 is reproduced as below:

“
SNTY. NO.3962A
(SNTY. NO. 3962Af, 3962Ae, 3962Ad
CLUBBED ALONGWITH)

GOVT OF NCT OF DELHI
Land & BUILDING DEPARTMENT
(ALTERNATIVE BRANCH)
VIKAS BHAWAN, IP ESTATE, NEW DELHI-02

No.F. 30(48)/81/05/L&B/Alt/ 7665 Dated: 16/10/17

To,

Sh. Bhagat Singh,
S/o Sh. Sohan Singh,
R/o H.No.-2, Village Garhi .

**Sub:- Regarding allotment of alternative plot in lieu of
acquired land.**

Sir,

With reference to the above mentioned subject, it is inform you that your case for allotment of alternative plot in lieu of acquired land has been placed before in meeting of Recommendation Committee held on **29.8.2017** and it was observed that you have not furnished the requisite documents i.e. SMC and Relinquishment Deed in spite of being given sufficient opportunity and public notice issued in leading Newspapers “The Hindustan Times (English) & Nav Bharat Times (Hindi)” on 29.7.2017 wherein a final opportunity was provided to claimant/applicant to submit the deficient documents within 30 days of issue of Public Notice i.e. before 29.8.2017.

Accordingly, on perusal of record available in the file, the Committee decided that the case may be rejected for non submission of requisite documents and same has been approved by Competent Authority. Hence the case has been **REJECTED**;

Yours faithfully,

(ALOK SHARMA)
DEPUTY SECRETARY (ALT.)”

2. A perusal of the aforesaid order shows that the Recommendation Committee has rejected the case of the petitioner on the ground of non submission of requisite documents viz. Surviving Member Certificate as well as the Relinquishment Deed.
3. Reply to the present writ petition has not been filed on behalf of the respondents despite various opportunities.
4. This court has heard the parties and considered the documents on record.
5. It is seen from the record that the petitioner has filed copy of the Surviving Member Certificate as well as the Relinquishment Deed along with the present writ petition, which were the only two documents that were required by the respondents for the purposes of consideration of his case for allotment of alternative plot.
6. In view thereof, the present writ petition is disposed of with directions to the respondents to consider the case of the petitioner afresh for allotment of alternative plot to the petitioner. The documents as submitted with the present writ petition, may be taken into consideration by the department. The petitioner is at liberty to submit all the documents as submitted along with the present writ petition with the respondent, Land & Building Department (Alternative Branch). The respondent, i.e., the Land & Building

Department has the liberty to requisition any further documents from the petitioner, as may be needed for consideration of the case of the petitioner on merits.

7. It is also made clear that the petitioner shall be granted an opportunity of hearing at the time of consideration of his case for allotment of alternative plot.

8. Liberty is granted to the petitioner to visit the office of the Deputy Secretary (ALT.)(Land & Building Department) (Alternative Branch) at Vikas Bhawan, IP Estate, New Delhi-110002 along with the requisite documents on 10.04.2023 at 12:00 P.M.

9. With the aforesaid directions, the present writ petition is disposed of.

MINI PUSHKARNA, J

MARCH 23, 2023

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