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

+ **W.P.(C) 13388/2023**

SARITA GUPTA

.....Petitioner

Through: Mr. Jatin Teotia and Mr. Prakhar Vashisht, Advocates along with Mr. Satish Gupta, husband of Petitioner (In person).

versus

GOVT NCT OF DELHI AND ORS

.....Respondents

Through: Mr. Chandra Prakash, Advocate.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

22.07.2024

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1. This writ petition has been preferred on behalf of the Petitioner under Article 226 of the Constitution of India seeking a direction to the Respondents to re-consider the case of the Petitioner and accept the requisite documents for allotment of alternative plot as per Government policy, in lieu of acquisition of land in village Pansali vide award No. 04/2002-03.

2. As per the narrative in the writ petition, Petitioner's land bearing Khasra No. 19/7/1(1-1) situated in Village Pansali was acquired through award No. 04/2002-03 announced on 03.04.2002. Petitioner applied for allotment of alternative plot in lieu of the acquired land and Respondent No.2 issued a certificate dated 25.03.2003 in favour of the Petitioner certifying that Petitioner had transferred the possession of land measuring 3-16-00 (0.792) in favour of the Government department on 12.05.2000. The amount of Rs.4,36,310/-, mentioned in the certificate was disbursed to the Petitioner. The application given to the Land and Building Department was in the proper format and was accompanied by photographs, identity proof



and all other requisite documents. Subsequently, whatever documents were sought for by Respondent No.3 were also furnished by the Petitioner from time to time, without any delay.

3. It is averred that in November 2011, Petitioner shifted from 16, Ber Sarai, Hauz Khas, New Delhi to her present address at Faridabad and communication was lost between the parties. After a gap of 10 years, Respondent No.3 wrote to Land Acquisition Collector seeking documents in respect of the Petitioner such as affidavits certifying that no other immovable property was owned, sale deed of acquired land, indemnity bond, etc. Copy was allegedly sent to the Petitioner at the earlier address, but was not received by her.

4. It is stated that Respondent No.3 constituted a Recommendation Committee for recommendation of alternative plot and in the meeting held on 24.01.2014, 26 cases in seniority list from Sl.No.501-526 were placed in the Agenda. Decision was taken to grant last opportunity to the applicant to submit requisite documents. Petitioner was informed of the same and she sought extension to submit the requisite documents, which she did on 12.03.2014. Thereafter, on several occasions, further documents were sought from the Petitioner, which she furnished.

5. It is the case of the Petitioner that she later learnt that the Recommendation Committee had sent two notices dated 02.09.2016 and 10.11.2017 calling upon the Petitioner to furnish certain documents and appear before the Committee on 25.11.2017 but as a matter of fact, none of the notices were received by her as she had shifted her residence. It is asserted that Petitioner was not aware of the Public Notice as she had moved to Faridabad, Haryana and should not be made to suffer for no fault of her.



Petitioner further avers that through RTI reply dated 09.02.2023 by Respondent No.3, Petitioner learnt that her case had been transferred to District Task Force (North), Office of the Deputy Commissioner (North), Revenue Department, Village Alipur, Delhi and made a representation dated 14.06.2023 to Respondent No.1 requesting once again for allotment of alternative plot and explaining her genuine reason for not appearing before the Committee. Getting no response, the present petition has been filed.

6. Counter affidavit has been filed on behalf of the Respondents. Relying on the same, learned counsel for Respondents submits that two notices dated 02.09.2016 and 10.11.2017 were sent to the Petitioner to submit the requisite documents by the Recommendation Committee followed by a Public Notice dated 13.05.2018 published in two Dailies, i.e. Hindi and English, but Petitioner failed to furnish the documents. Recommendation Committee was of the view that Petitioner was not interested to pursue the matter and hence rejected her case. It is also urged that a decision has been taken by the Competent Authority not to re-open old cases and only on a Court's direction, an old matter will be reconsidered.

7. Heard learned counsels for the parties and examined their submissions.

8. From a reading of the impugned Minutes of Meeting dated 13.09.2018, it is palpably clear that the sole reason for rejection of the case of the Petitioner for allotment of alternative plot was that she did not respond to the two notices sent to her or to the Public Notice and did not submit the requisite documents. Learned counsel for the Petitioner has argued and it is also averred in the writ petition that the Petitioner was the recorded owner of the aforementioned land in Village Pansali, which was



acquired through Award No.04/2002-03 and after making an application on 01.04.2003 for allotment of alternative plot, Petitioner had diligently pursued the matter and as and when documents were asked for, they were duly furnished. In November 2011, Petitioner shifted her residence to Faridabad and the notices sent by the Recommendation Committee were possibly delivered at her earlier address, which she did not receive and had no knowledge that she was required to submit the documents. Petitioner has placed on record material which does indicate the change in her residential address. Non-appearance of the Petitioner before the Recommendation Committee as well as non-submission of requisite documents appears to be on account of the fact that the notices were received at the earlier address and were not in her knowledge. This Court finds no reason to disbelieve this stand for two reasons: (a) Petitioner does not gain any advantage by deliberately keeping away from the meeting of the Recommendation Committee and/or not providing the documents as she was the one who was to gain, if the plot was allotted; and (b) record shows that Petitioner has been diligently pursuing the matter and in response to a number of letters, had furnished the documents sought. In this view of the matter, it would be in the interest of justice to remand the matter back to the Competent Authority of the Respondents to reconsider the case of the Petitioner for allotment of alternative plot.

9. Accordingly, the petition is disposed of directing the Respondents to re-examine the case of the Petitioner after intimating to her the documents and/or any other information that she may require to furnish for processing her case. Correspondence shall be made by the Respondents at the address given by the Petitioner in the Memo of Parties in the present writ petition.



Decision shall be taken by the Competent Authority within a period of 8 weeks from today, in accordance with law and communicated to the Petitioner, who will be at liberty to take recourse to appropriate remedies available to her in law, in case of any surviving grievance.

JYOTI SINGH, J

JULY 22, 2024/jg