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

+ W.P.(C) 2313/2017

RANDHIR SINGH

.....Petitioner

Through: Mr. N.S. Dalal, Ms. Nidhi Dalal,
Mr. Alok Kumar, Ms. Rachana
Dalal, Mr. Karan Mann and Mr.
Kunal Narwal, Advocates.

versus

LAND & BUILDING DEPARTMENT

.....Respondent

Through: Mr. Siddhanta Panda and Mr. Anil
Pandey, Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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15.01.2025

1. The petitioner has filed this writ petition under Article 226 of the Constitution of India against the Land and Building Department, Government of National Capital Territory of Delhi ["GNCTD"], for the following reliefs:

"Therefore, on the facts and in the circumstances of the case, it is most humbly and respectfully prayed that this Hon'ble Court may kindly be pleased to:-

(i) Issue an appropriate writ, order or direction thereby direction the respondent to decide the application No.F.32(11)/26/87/L&B (old FileNo.F.32(11)/35/86/L&B) which is pending with the respondent;

(ii) Issue an appropriate writ, order or direction thereby awarding damages to the petitioner for delay caused by the respondent in not deciding the application;

(iii) Award costs of the present writ petition in favour of the petitioner and against the respondent;

(iv) Pass any such other or further orders as this Hon'ble Court may



deem fit and proper on the facts and in the circumstances of the case, in favour of the petitioner and against the respondent.”

2. Mr. N.S. Dalal, learned counsel for the petitioner, states that the application referred to in prayer (i) of the writ petition is an application for allotment of an alternative plot in lieu of acquired land, which was submitted on 11.07.2008. A copy thereof has been annexed to the writ petition as Annexure P-1.

3. Mr. Dalal submits that the petitioner had earlier filed W.P.(C) 7201/2013 (Annexure P-4) in this Court, seeking a direction upon the respondent to include the name of the petitioner in the seniority list published and last updated on 19.12.2012. The submissions of the counsel and the order of the Court in the said writ petition, dated 19.11.2013, are as follows:

“3. The learned counsel for the Petitioner states that all the applications for allotment of alternative plots made till the year 2000 have been processed yet his name does not find place in the seniority list published by the Respondent.

4. Mr. Yeeshu Jain, the learned counsel for the Respondent fairly concedes that the present case is squarely covered by a decision of this Court in Sukhbir Singh v. Govt. of NCT of Delhi, (W.P(C) 1027/2013) decided on 07.05.2013 and thus, this writ petition may also be disposed of with similar directions.

5. I have perused the order dated 07.05.2013 and am of the opinion that this petition needs to be disposed of in similar terms. Accordingly, the Petitioner is directed to file an affidavit with Government of NCT of Delhi within a period of two weeks stating therein that:

(i) Land of his father was acquired by Govt. of NCT of Delhi for planned development of Delhi;

(ii) He/his father, as the case may be, had taken compensation in respect of the acquired land from the Government and has not refunded the said compensation to the Government;

(iii) He has not taken back possession of the acquired land and has not encumbered the same or otherwise dealt with it in any manner;

(iv) The acquisition of the aforesaid land has not been challenged by



him or by his father before any forum;

(v) He had applied to the Government of Delhi for allotment of alternative plots;

6. The Petitioner shall also give full details of the application seeking allotment of alternative plot in his affidavit. On filing of the aforesaid affidavit, the application, if already submitted, shall be duly processed by the Respondent on maturity of his turn, computed from the date of submission of the application or as per the Respondent's policy, in case the policy provides otherwise.

7. It is made clear that the Petitioner shall not be entitled to any out of turn consideration of his application. The scrutiny shall be completed within a period of 12 weeks from the date of submission of the affidavit in terms of this order provided the turn of the Petitioner has matured for such consideration. Objections, if any, shall be communicated to the Petitioner within two weeks of completing the scrutiny and the deficiency, if any, shall be removed within four weeks thereafter. The final decision on the application seeking alternative allotment shall be taken by the Respondent within a period of 12 weeks of the deficiencies being removed in all respects and shall be communicated to the person concerned within two weeks thereafter."

4. It is the contention of the petitioner that he filed the requisite documents, but his case has not been considered. Mr. Dalal states that he would be satisfied with a direction upon the respondent to deal with the petitioner's case and make an appropriate order.

5. In response to this writ petition, a status report was first filed on 16.03.2019, in which it is stated that the records of the petitioner's case were tampered with, and a reference was made to the Vigilance Branch, Land and Building Department, GNCTD. Upon requisitioning the file from the Vigilance Branch, it was found that the petitioner had made an application for allotment of an alternative plot in lieu of acquired land on 15.12.1987, in connection with which communications were addressed to him for supply of documents in the year 1991, and a reminder was dispatched on 03.01.1995. The file does not contain any communications



thereafter , until 29.05.2012, when an RTI application was received from the petitioner. It is thereafter stated as follows:

“12. The record of internet shows that file no. F.32(11)/26/87/L&B/Alt maintained in the department in r/o Sh. Randhir Singh s/o Sh. Sawal Singh has been rejected/ Closed (Exhibit I). In this regard, it is presumed that after issue of reminder to the applicant, Sh. Randhir Singh dated January 03, 1995 since no document was received the case of the applicant would have been closed in the succeeding notes which are not available in the file and suspected to have been removed from the record of the file.

Therefore, on pursuance of above narration and as a consequence of the suspected tampering with the records of the file, the department was not in a position to comply with the order dated November 19, 2013 passed in the matter of Randhir Singh v. Govt. of NCT of Delhi i.e. W.P. (C) 7201 of 2013.”

6. Noting the aforesaid facts, the Court passed the following order in this writ petition, on 14.02.2020:

“It appears from the above that there is no clarity as to whether the application of the petitioner was closed and if so when.

Learned counsel for the respondent states that on account of some tampering in the file, the file has been sent to the Vigilance Department.

The respondent is directed to retrieve the file from the Vigilance Department and file a better affidavit.

Needful to be done within four weeks.

At this stage, my attention has been drawn to an order passed on 19.11.2013 in W.P. (C) No. 7201/2013. As per the said order, the petitioner was directed to file an affidavit with Government of NCT of Delhi explaining various particulars including the full details of the application seeking allotment of alternate plot. A direction was issued to the respondent to take a final decision on his application seeking an alternate allotment of the plot within a period of 12 weeks. It appears that needful has also not been done and now according to the respondent the application was rejected long back.

List on 14.5.2020.”

7. An additional affidavit was filed by the respondent only on 30.03.2024, more than five years after this order was made. In this



affidavit, it is contended that the petitioner's case was closed or rejected *vide* note dated 23.05.1993. The note has not been annexed to the affidavit.

8. As far as the order of the Court dated 19.11.2013 is concerned, it is stated that the order was passed on the first day of listing of the writ petition, and the facts of the case could not be placed before the Court.

9. Upon overall consideration of these facts, I am of the view that the petitioner's request for a comprehensive decision is reasonable. Such a direction was made on 19.11.2013 on the submission made on behalf of GNCTD itself. Although it is now contended that the submissions were made on the basis of an incomplete appreciation of facts, no attempt has been made in the 11 years since to apply for modification or review of the said order, or to challenge the same in appeal. The facts placed before the Court in the status report and in the additional affidavit are also vague and inconsistent. It was first contended that the case had been closed after 03.01.1995; it is now contended that the case was in fact closed on 23.05.1993, and even that order has not been placed on record.

10. In these circumstances, GNCTD is directed to address a comprehensive communication to the petitioner, detailing the facts and grounds if the petitioner's request is to be rejected, within eight weeks.

11. The writ petition is disposed of with the aforesaid terms.

12. All rights and contentions of the parties are left open.

PRATEEK JALAN, J

JANUARY 15, 2025/MR/JM/