

\$~5

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

+ **W.P.(C) 363/2018**

**SARVESH**

..... Petitioner

Through: Mr. Faisal Naseem, Adv. with Ms.  
Mahetaba Asrar, Adv.

versus

**GOVT OF NCT OF DELHI**

..... Respondent

Through: Mr. Yeeshu Jian, SC with Ms. Jyoti  
Tyagi, Adv.

**CORAM:**

**HON'BLE MR. JUSTICE V. KAMESWAR RAO**

**ORDER**

%

**31.07.2018**

1. Counter affidavit has not been filed.
2. The present petition has been filed by the petitioner with the following prayers:-

*“In view of the facts and circumstances and submissions made above, it is respectfully prayed that this Hon’ble Court may graciously, be pleased to:*

*(a) issue a writ of certiorari or any other appropriate writ, order or direction in the nature thereof, to set aside and quash the impugned order dated 29/09/2017 bearing reference No. F.32(4)/27/2004/L&B/Alt/7205 passed by the respondent and to quash all proceedings/decision taken prior thereto:*

*(b) issue a writ of mandamus or any other appropriate writ,*

*order or direction in the nature thereof, directing the respondent to reconsider the application of the Petitioner for allotment of alternative plot in the light of the documents submitted by her and duly received by the respondent vide their letter dated 23/09/2015 and grant an opportunity of hearing to the Petitioner in the matter; and*

*(c) pass any other or further order(s) as may this Hon'ble Court may deem fit and proper in the facts and circumstances of the case in favour of the Petitioner and against the Respondent."*

3. The challenge in the writ petition is to the communication dated September 29, 2017, whereby the request of the petitioner for allotment of alternative plot has been rejected on the ground that the petitioner has not furnished the requisite documents i.e Affidavit/I.Bond, Award/ Statement, Complete Revenue Record, SMC, Death Certificate.

4. Mr. Faizal Naseem, learned counsel for the petitioner disputes the said position and states that the petitioner has submitted all the required documents. In this regard, he draws my attention to para D of the writ petition (page 12 of the paper book). He further states, even though the said documents have been submitted by the petitioner, without joining any issue with the respondent, the petitioner is ready, once again to submit the said

documents to enable the respondent to consider the petitioner's application for allotment of alternate plot, subject to any condition this Court may impose.

5. Mr. Yeeshu Jain, learned counsel appearing for the respondent justifies the impugned communication dated September 29, 2017. He acknowledges the fact that this Court in a similar matter has directed the petitioner/applicant(s) to submit requisite documents, and for reconsideration of the application for allotment of alternative plot by the respondent, subject to payment of cost of Rs.15,000/-.

6. Noting the submissions made, and in view of order of this Court in ***Bhanwar Singh vs. Land & Building Department, W.P. (C) 5186/2018***, decided on May 22, 2018 the communication dated September 29, 2017 is set aside. The petitioner shall furnish the documents named in the communication dated September 29, 2017 within six weeks from today. If any deficiencies are found in the documents submitted by the petitioner, the same shall be communicated to the petitioner within two weeks of consideration by the Recommendation Committee. The deficiencies if any shall be cured by the petitioner within two weeks thereafter. The respondent through its Committee shall consider the documents and decide the

application on merit and communicate the decision to the petitioner. The reconsideration is subject to payment of cost of Rs.15,000/- to be deposited with the Delhi High Court Advocates Welfare Trust within four weeks from today. The petitioner shall submit the proof of deposit of cost to the respondent along with the documents.

7. The petition is disposed of as such. If the petitioner is still aggrieved by the order to be passed by the respondent, the liberty shall be with the petitioner to seek such remedy as available in accordance with the law.

Dasti.

**V. KAMESWAR RAO, J**

**JULY 31, 2018/ak**