



\$~68

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

W.P.(C) 3311/2024

SHRI HARI SINGH

..... Petitioner

Through: Mr. N. S. Dalal, Mr. Alok Kumar,
Ms. Rachna Dalal and Ms. Sweta,
Advocates

versus

**LAND AND BUILDING DEPARTMENT THROUGH ITS
SECRETARY (LAND AND BUILDING) & ANR..... Respondents**

Through: Mr. Sanjay Kumar Pathak, Standing
Counsel with Mr. Sunil Kumar, Mr.
M. S. Akhtar, Mr. Mayank Arora, Ms.
Nidhi Thakur and Ms. Musarrat B.
Hashmi, Advocates

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

05.03.2024

%

(The proceeding has been conducted through Hybrid Mode)

1. This is a writ petition under Article 226 of the Constitution of India, 1950, seeking *inter alia* the following reliefs:-

“(i) Issue an appropriate writ, order or direction thereby quashing the Order dated 22.12.2023 passed by the Respondent No.2, whereby the Application moved by the Petitioner for allotment of alternative plot has been rejected;

(ii) Issue an appropriate writ, order or direction thereby directing the Respondents to allot an alternative plot to the Petitioner in pursuance of the Application bearing No.F.33(53)/5974/20 12/L&/ Alt. moved by the Petitioner;

(iii) Award costs of the present Writ Petition in favour of the Petitioner and against the Respondents”

2. Mr. Dalal, learned counsel for the petitioner draws attention of this Court to the impugned order dated 12.12.2023 to submit that the impugned order relied upon the report of the Tehsildar who submitted



his report on the ground that the petitioner is having some unacquired land and on that basis, the impugned order rejecting his application for allotment of alternative plot was passed. He submits that the observations are bereft of any reasoning as also no details as to what is the unacquired land or its khasra number, location etc. has at all been mentioned in the impugned order.

3. Merely based on a statement of the Tehsildar which was ascertaining the factual situation on the ground, the impugned order was passed.

4. Mr. Dalal asserts that the entire land belonging to the petitioner was acquired and that there is no land left unacquired except for the house within the Lal Dora of the abadi area, which is in accordance with the policy of 1986.

5. Issue notice.

6. Notice is accepted by learned counsel appearing for the respondents.

7. Reply, if any, be filed within four weeks with an advance copy to learned counsel for the petitioner. Rejoinder, thereto if any, be filed within four weeks, thereafter, with an advance copy to learned counsel for the respondent.

8. List before the Registrar for completion of pleadings on 12.07.2024.

TUSHAR RAO GEDELA, J

MARCH 5, 2024/ms