

\$~21

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

+ LPA 243/2015, CMs No.7328/2015 (for stay) & 7329/2015 (for exemption)

MANOJ KUMAR

..... Appellant

Through: Mr. Nitin Khanna, Adv..

Versus

COMMISSIONER OF INDUSTRIES & ORS

..... Respondents

Through: Ms. Anusuya Salwan and Mr. Vikas Sood, Advs. for DSIIDC.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

%

21.04.2015

1. This intra court appeal impugns the order dated 22nd December, 2014 of the learned Single Judge of this Court of dismissal of W.P.(C) No.9173/2014 preferred by the appellant.

2. Having gone through the memorandum of appeal and having *prima facie* not found any reason to interfere with the detailed and well reasoned order of the learned Single Judge, we have heard the counsel for the appellant *in extenso*.

3. The appellant, in or about the year 1996, had applied to the respondents under their relocation scheme for an industrial plot. The respondents, vide their letter dated 22nd May, 2000, informed the appellant of the rejection of his request, on the ground that the appellant had failed to

LPA 243/2015

Page 1 of 4

2 ✓

furnish clarification sought from him with respect to his eligibility for allotment. The appellant protested contending that he had not received any communication from the respondents seeking clarification. The said protest of the appellant remained pending with the respondents and ultimately in or about the year 2010 found favour and the appellant was axiomatically recommended for allotment of a plot and was in or about the year 2013 allotted a plot admeasuring 150 sq. mtrs.

4. The writ petition from which this appeal arises was filed claiming; (i) that the appellant should be allotted plot admeasuring 200 sq. mtrs., as were being allotted in the year 2000; (ii) that the appellant be allotted plot in the same area in which the plots were being allotted in the year 2000; and, (iii) the appellant be charged for the said plot at the rate which were being charged in the year 2000 and not at the rate of 2013. It was / is the contention of the appellant that since the application of the appellant for allotment was wrongly rejected in the year 2000, the appellant cannot be made to suffer for the delay on the part of the respondents.

5. The aforesaid contention of the appellant has not found favour with the learned Single Judge for the reason, (a) that the writ petition was highly belated; the grievance with respect to wrongful rejection in the year 2000 could not be allowed to be made in the year 2014; (b) that the price to be paid was of the date of allotment and could not be of the date when the appellant ought to have been allotted a plot; (c) the allottees of the year 2000 had paid the then prevalent price also in the year 2000 and which the appellant had not paid; (d) that the cost / price of the plot could not be interfered with in writ jurisdiction; (e) that there was a long waiting list of

applicants who had not been allotted an industrial plot till then on account of non-availability of land.

6. We do not find any justifiable ground to disagree with the reasoning of the learned Single Judge. We may also observe that not only did the appellant not immediately challenge the rejection of the year 2000 of his application for allotment of plot but even departmentally pursued his protest at his own pace. Though the appellant protested against the rejection dated 22nd May, 2000 of his application for allotment of plot vide letter dated 9th June, 2000 but pursued the said protest with long gaps ranging from several months to several years at a time. Once the appellant is found to have himself not shown any urgency, he cannot blame the respondents for any delay in taking a decision on his protest. We further find from the record that the respondents, through advertisements published in leading local dailies in July, 1999 and September, 1999 had given an opportunity to all the applicants of the said relocation scheme to "appeal after ascertaining the status of their case" and the appellant, inspite thereof had not filed any appeal / representations and the respondents, on the basis of information available with them did not find the appellant eligible for allotment. The appellant, in his letter dated 9th June, 2000, did not deny the said fact. There is nothing on record to show that the respondents were at any fault in the year 2000. The respondents however appear to have on the basis of representations of appellant, allotted him plot ultimately in the year 2013..

4

We also find that the appellant did not deposit the amount which he was required to deposit for the allotted plot and for which reason the allotment also stands cancelled. This exercise, is meaningless, for this reason also

7. We therefore do not find any merit in the appeal, which is dismissed.


CHIEF JUSTICE

RAJIV SAHAI ENDLAW, J.

APRIL 21, 2015

'bs'