

\$~14

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 1096/2016**
PREM KAUR & ORS

..... Petitioners

Through Mr.Nitin Gaur, Advocate.

versus

GOVT. OF NCT OF DELHI

..... Respondent

Through Mr.Yeeshi Jain, Standing Counsel
along with Ms. Jyoti Tyagi,
Advocate.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **19.08.2016**

Petitioner is aggrieved by the fact that his application seeking allotment of an alternate plot has been rejected for the reason that he has not applied within the time period stipulated by the allotment policy of the Department.

Record shows that late Bhagat Singh (father of the petitioner) had owned a plot bearing Khasra No.502/2, measuring 1 bigha at village Jaitpur, Delhi. This land was acquired vide notification and the award was pronounced on 06.4.1990. Compensation has been granted to late Bhagat Singh on 15.10.1991. Bhagat Singh had applied for an alternate plot on 30.3.1992. There is no dispute to this factum. His application was, however, rejected on the ground that a period of one year was stipulated for an application for allotment of

an alternate plot which period as per the policy of the Department stood expired within three months from 15.10.1991 which was sometimes in January, 1992. Petitioner had applied for the alternate plot on 20.3.1992.

On this score, learned counsel for the petitioner submits that even otherwise he had applied for enhancement of compensation which was only granted on 22.01.1992; as such even as per the then prevailing policy of the respondent his application would be in time if the date of 22.01.1992 is considered which was admittedly the date when he had received the compensation.

A Division Bench of this Court in LPA No.190/2015 titled Government of NCT of Delhi Vs. Poonam Gupta decided on 08.12.2015 had rejected the appeal of the Department and upheld the decision of the Single Judge condoning the delay ranging between 21 days to 4 months in preferring application for allotment of alternate plot.

Thus in view of the ratio of Poonam Gupta (supra), the case of the petitioner be considered on merits.

Petition is allowed and disposed of in the above terms.

INDERMEET KAUR, J

AUGUST 19, 2016
ndn