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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 3090/2013**
HARI SINGH AND ORS

..... Petitioners

Through Mr Pankaj Vivek, Ms. Anupriya
Singh and Mr. Atul Tripathi, Advs.

Versus

GOVT. OF NCT OF DELHI AND ANR

..... Respondents

Through Mr. Yeeshu Jain, standing counsel
Ms. Jyoti Tyagi, Adv for R-1.
Mr. M.K. Singh, Adv. for R-2.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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22.09.2016

The petitioner is aggrieved by the letter of rejection dated 26.03.1993 vide which application seeking allotment of an alternate plot had been declined; in fact vide this communication, his case stood closed. This communication had noted that several opportunities had already been granted to the petitioner to submit documents but he has failed to furnish them. His case could not be considered. At the cost of repetition, this communication is dated 26.03.1993. The petitioner has approached this Court in the year 2013 i.e. after a gap of 20 years.

Record discloses that the land of Mukhtiar Singh had been acquired vide Award No.17/86-87 on 01.09.1986. An application for alternate plot was made in the year 1987. This was by the

predecessor in interest of the present petitioner i.e. by Mukhtiar Singh himself. The petitioners before this Court are Hari Singh and others all sons of Mukhtiar Singh. Further averments in the petition disclose that on 26.04.1993, the respondent had called upon the father of the petitioner to submit certain documents which as per the petitioner were submitted. Thereafter no action was taken except certain oral requests alleged to have been made by the petitioner to the respondent. The father of the petitioner (Mukhtiar Singh) expired on 05.01.2000. The petitioner i.e. children of Mukhtiar Singh did not take any action in the matter up to the date of filing of the present petition which was in the year 2013.

The counter affidavit of the respondent clearly states that there is no explanation for this inordinate delay in approaching the Court. Admittedly the letter communicating rejection to the petitioner is dated 26.03.1993.

Averments in the writ petition disclose that on 26.04.1993, a letter had been received by the Department calling upon Mukhtiar Singh to submit documents which as per the petitioner he had submitted. In ground (ix) of the writ petition, the petitioner has stated that pursuant to the communication dated 26.04.1993, the father of the petitioner had submitted documents meaning thereby that the petitioners' father was well aware that his case was pending and documents had been sought for from him on 26.04.1993. Even presuming the submission of the petitioner that he has not received the communication dated 26.04.1993 (vide which his case was closed), the next averment in the writ petition discloses that in the

year 1998-99, the petitioner again approached the officials of the Department to find out about the status of his case. All this is again verbal. There is no written document on record. The father of the petitioner expired in the year 2001. Even then the petitioners waited up to 2013 to find out about the fate of the application filed by their father in the year 1987. This delay on the part of the petitioners is wholly unjustified and according to the wisdom of this Court is unexplainable.

In a judgment of this Court reported as 148 (2008) DLT 460 (Division Bench) Raj Karan Vs. Land and Building Department, the Division Bench had noted that where after the closure of his case, the applicant remained quiet and had gone into deep slumber and had not been diligent in pursuing his case for allotment of an alternate plot, he was held not entitled to any relief. The ratio of the aforementioned judgment would be clearly applicable to the instant case. Neither Mukhtiar Singh in his lifetime (up to the year 2001) was diligent in pursuing his case and nor did his legal heirs (present petitioners) bother to do so. The averments in the writ petition itself disclose that in 1998-99, the petitioners had approached the Department to find out the status of their case; apart from the fact that these were only oral averments, this Court notes that if the petitioners did not get any satisfactory reply from the Department, they were not expected to wait for another 16 years (from 1997 to the year 2013) to approach the Court. No explanation having been furnished by the petitioners on this score, this Court is of the view that the petitioners cannot be granted any relief.

This petition being barred by unexplainable delay and latches is without any merit. Dismissed.

INDERMEET KAUR, J

SEPTEMBER 22, 2016

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