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

+ W.P.(C) 1433/2015

DURGA

..... Petitioner

Through Mr. Rajiv Bakshi, Advocate

versus

GOVT. OF NCT OF DELHI & ANR

..... Respondents

Through Mr. Arun Birbal and Mr. Sanjay
Singh, Advocates

+ W.P.(C) 1486/2015

GEETA

..... Petitioner

Through Mr. Rajiv Bakshi, Advocate

versus

GOVT. OF NCT OF DELHI & ANR

..... Respondents

Through: Mr. P. Venkatesan, Advocate for
Mr. Siddharth Panda, Advocate

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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26.07.2016

Petitioners Durga and Geeta are stated to be the legal representatives of deceased Chunni Lal. Durga is his daughter in law and Geeta is his daughter. The contentions in the writ petitions are that the communication dated 24.12.2013 received by the petitioners holding their plea for an alternate plot had been rejected is an illegal communication and is liable to be set aside.

This communication dated 24.12.2013 had informed the

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petitioners that their plea for an alternate plot cannot be considered in view of the fact that their land having being acquired on 21.07.1983, the application for an alternate plot was submitted on 16.08.2002 which being much beyond the period of limitation was accordingly rejected.

Counter affidavit filed by the respondent supports the stand taken by the Department in its communication dated 24.12.2013.

Record shows that Chunni Lal was the recorded owner of the land comprising in Khasra No.118 measuring 15 bighas and 12 biswas in village Raj Pura, Chhavni. This land was acquired on 07.03.1963. Compensation for the aforementioned land was paid on 20.12.1993. Not being satisfied with the compensation granted by the Reference Court an RFA was preferred in 2002. Compensation was accordingly received on 18.04.1998, 27.03.1989 and 21.07.1993.

Record further evidences that the predecessor in interest of the petitioners namely, Chunni Lal has expired on 10.07.1992. Application for an alternate plot was made on 16.08.2002. Submission of the petitioners is that their cases were being processed and additional documents had also been sought for by the Department and as such, the petitioners were under the bona fide impression that their cases were being considered on merits. Petitioners learnt about the rejection of their cases in October, 2014 while checking the status of the same on the website of the respondent. The representations were accordingly filed in December, 2013.

The submission of learned counsel for the respondent is that there is an inordinate delay in filing the application for allotment of

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alternate plot and the whole purpose of the scheme of allotment being to provide succour to those persons who are without a home/house, not having being met with the cases of the petitioners were rightly rejected.

This Court finds weight in the submission of counsel for the respondent. Record discloses that the land of the predecessor of interest of the petitioners was acquired way back in the year 1963. Chunni Lal (the predecessor in interest of the petitioners) had expired on 10.07.1992. Compensation was received in 3 parts and last of this third part was paid on 21.07.1993. Compensation of two amounts i.e. of 18.04.1998 and 27.03.1989 had been received by Chunni Lal during his lifetime. He did not apply for an alternate plot in his lifetime. The first application for an alternate plot was only made on 16.08.2002. The period of limitation for an application of an alternate plot would be one year from the date of receipt of compensation. The first instalment of the compensation was admittedly received by Chunni Lal on 18.04.1988. At the cost of repetition he did not apply for any alternate plot during his lifetime; he had expired on 10.07.1992. It can thus safely be believed that he did not have any need for an alternate plot/accommodation. There is no doubt that the documents were sought for by the Department from the petitioners but this was only to complete the file in order that the same could be placed before the recommending body. The recommending body has rejected the case of the petitioners vide impugned order dated 24.12.2013 on the ground of laches. Compensation of the same had been taken.

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The whole purpose of the scheme of allotment of alternate plots was to give relief to those persons who were without a home. This scheme has not floated with any other object but for this purpose it was definitely not for a commercial purpose.

This Court notes that after application of the petitioners for allotment of an alternate plot was made on 16.08.2002 this case was not followed up. A communication dated 22.03.2006 is on record wherein the Department had sought certain documents from the petitioners which was followed by an another letter dated 23.07.2013 wherein certain documents were again asked for from the petitioners. On 29.07.2013, the petitioners had replied to this communication dated 23.07.2013. This writ petition came to be filed in November, 2015.

Noting the collation of all the aforementioned dates, this Court is of the firm view that the petitioners do not deserve any sympathy of this Court for a consideration of their cases. In all these years, it cannot be imagined that they had remained without any house or home. Admittedly even as per the case of the petitioners it was only in August, 2002 that they had first applied for an alternate plot. The predecessor in interest of the petitioners did not apply for an alternate plot during his lifetime when admittedly he received his first instalment of compensation in April 1988 and he was in this world till July 1992. That apart even after the petitioners had applied for an alternate plot in 2002; between 2006 up to 2012 there is no communication inter-se the petitioners and the Department. This is clear from the list of documents appended along with the petition.

After March 2006 up to July 2012 there is not a single document on record which in any manner suggests that the petitioners were following up their cases. They have slumbered over their rights, if any that had accrued to them. There appears to be no explanation whatsoever for this inordinate delay. It is wholly unjustified and implausible. Such like petitioners who are so lackadaisical deserves little sympathy.

In a judgment reported as 2009 (108) DRJ 96(DB) Sunder Singh Vs. Union of India, a Bench of this Court while dealing with this aspect of delay and laches, in this context, had noted herein as under:

"We are of the view that where the petitioner is so unconcerned or unwary of his case pending for compensation, he was not entitled to alternative plot of land as the scheme is introduced by the government for the benefit of those people who are in need of the land and if there is actual need existing of the petitioners, he would not have waited for such a long time to make an application for allotment and should have been vigilant.

Keeping in mind the scope and object of the scheme of 1961, we are of the view that since the land of the petitioner was acquired vide Award No.1290 dated 14th March, 1962, he should have filed the application for allotment of alternative plot by 15th December, 1963. Ignorance of the scheme is no ground to grant the relief sought by the petitioner. The application for allotment of alternative plot was correctly rejected by the respondent vide letter dated 7th November, 1990.

It is trite that the time of limitation can be condoned where the delay has been satisfactorily explained. However, the time of limitation and its object is meant to close the gates of the disinterested and the ignorant persons/prosecutor like the petitioner herein. The ignorance of the law/order cannot become the ground for condoning the same. It needs no mention that ignorance of law is no excuse for not taking appropriate steps within limitation "ignorantia juris non excusat", (Swadeshi Cotton Mills Co. Ltd. V. Govt. of U.P., (1975) 4 SCC 378). We are of the view that the plea of ignorance will not sufficiently explain the delay.

No doubt, the scheme of allotment of alternative plots in lieu of acquired land under "Large Scale Acquisition Development and Disposal of Land In Delhi announced by Govt. of India, Ministry of Home Affairs vide their letter No.37/16/60-Delhi(i) Dated 2nd May, 1961 is in force with effect from 2nd May, 1961 but it is not an open ended scheme where a person whose land has been acquired vide Award passed in 1962 can apply for alternative plots any time he wishes. Though in the scheme the date for application has issued public notices from time to time where it was specifically made clear that persons whose lands were acquired between the period from 1st January, 1961 and 15th November, 1963 has to apply for alternative plot before 15th December, 1963. But in the present case Notification under Section 4 was issued on 13th November, 1958 and the Award was passed on 14th March, 1962.

We hold that the application under the above said scheme is time barred and the petitioner was guilty of laches and undue delay.

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The Delhi Administration introduced scheme of alternative plot to provide better living to the person who is in genuine and urgent need of proper accommodation. The petitioner has applied I 1986 for alternative plot, however, her land was acquired in 1959. This clearly indicates that the petitioner is not in need of the land, otherwise he would not have applied after so many years. In view of our aforesaid discussion on the ground of delay and latches, we find no merit in the writ petition. The same is hereby dismissed. No costs.

The cases of the petitioners is on no better footing. They deserve no sympathy.

Petitions are accordingly dismissed.

INDERMEET KAUR, J

JULY 26, 2016

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