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

+ W.P.(C) 3083/2016 & CM No. 15681/2016

VIJAY SINGH ..... Petitioner  
Through Ms. Namrata Sharma, Advocate

versus

UNION OF INDIA & ORS ..... Respondent  
Through Mr. Vivekanand Mishra, Adv. for  
Respondent No.1  
Mr. Puneet Agrawal and Ms. Dalveer  
Kaur, Advocates for respondent No.2  
Mr. Arjun Mahajan, Advocate for  
DDA/respondent No.3

**CORAM:**

**HON'BLE MS. JUSTICE INDERMEET KAUR**

**ORDER**

% **05.08.2016**

Petitioner is aggrieved by the rejection letter dated 23.9.2015 by which the respondent No.2 had rejected his application for alternative plot in lieu of the land acquired. The rejection letter stated that the scrutiny of the record available reveals that the applicant had received his compensation of the acquired land on 1.8.2002 and 7.3.2003; and application for allotment of an alternate plot was made on 1.4.2005 which was beyond the prescribed time limit of one year. Even as per the case of the department there was a delay of one year

and one month. Learned counsel for the petitioner placed reliance upon a judgment of a Bench of this court in **Chander Bose vs. Union of India 107 (2003) DLT 604;** submit being that if the delay in making the application is satisfactorily explained it should not be rejected. Learned counsel for the petitioner in support of his submission placed reliance on that part wherein it is stated that his claim should not be rejected on the ground that the petitioner is an illiterate and uneducated farmer and he did not know the nuances of law; he was not aware that the petitioner unnecessarily filed an application for alternate allotment within ultimate limit of one year. This explains that explanation is evasive explanation.

Noting above factual matrix and as also the ratio of a judgment of bench in **Rattan Lal vs. Union of India & Ors.** in WP(C) No.1967/1987 a bench of this court was of the view that petitioner has otherwise entitled to the allotment of an alternative plot of land then merely on the ground of any alleged delay on his part he should not be deprived of his right.

On this count, the submission of the petitioner is that he has a very good case.

Noting the above factual matrix as also the fact that the delay in case is one year and one month as also the additional submission of the petitioner that he being an uneducated illiterate farmer and not knowing the nuances of the legal system, the communication dated 23.9.2015 is set aside.

The Department shall consider the case of the petitioner on its merits and pass a speaking order on merits within a period of two months from the date of the receipt of this order. If any further documents are required from the side of the petitioner, the same be furnished to the department.

Order Dasti.

Writ petition is disposed of.

**INDERMEET KAUR, J**

**AUGUST 05, 2016**

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