

\$~28

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

+ W.P.(C) 3093/2016

RAJVIR RANA AND ORS Petitioner
Through Mr. Ratish Kumar & Mr. Sanjay
Sharawat, Advocates

versus

GOVT OF NCT OF DELHI Respondent
Through None

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER
% **05.08.2016**

Petitioner is aggrieved by communication dated 27.7.2015 vide which his application for allotment of an alternate land had been rejected on the ground that there was a delay of about six months in filing the aforementioned application. Vide this communication dated 27.7.2015 the petitioner had informed that he had received compensation of the acquired land on 23.3.1990; his application seeking permission of alternate application was filed only on 14.9.1990. His application was thus rejected as being time barred.

Learned counsel for 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 all the villagers/land owners were under the general impression that such applications are required to be submitted within one year from the date of receipt of the compensation amount.

Noting the 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 who is 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.

Noting the above factual matrix as also the authority present and the delay of the case is less than six months, the communication dated 27.7.2015 is set aside. The department shall consider the case of the petitioner on its merits and pass an order. If any further documents are required from the petitioner, the same may be furnished to the department. The respondent department will pass a speaking order within a period of two months from the date of the receipt of this order.

Order Dasti.

Writ petition is disposed of.

INDERMEET KAUR, J

AUGUST 05, 2016

mw