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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 2448/2015

INDRAWATI

..... Petitioner

Through Mr. N.S. Dalal, Mr. D.P. Singh,
Mr. Aman Pudgal and Ms. Ruchika
Sharma, Advs.

versus

LAND AND BUILDING DEPARTMENT AND ANR.

..... Respondents

Through Mr. B. Mahapatra, Adv for L & B.
Mr V.C. Jha and Mr. Jayendra, Advs
for DDA.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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08.09.2016

The petitioner is aggrieved by the communication dated 26.09.2013 wherein while considering the case of the petitioner (Indrawati) it was noted that the application seeking allotment of an alternate plot was not made within the requisite period and as such the case of the petitioner stood rejected.

Record of the case shows that the recorded owner of the land (which was the subject matter of acquisition in 1961) was Anant Ram. This land was acquired vide Notification dated 24.10.1961. It was in the Revenue Estate of village Hastsal. The recorded owner Anant Ram died on 16.07.1965. The Award qua his acquired land was pronounced on 24.03.1967 i.e. after the death of Anant Ram. Kali Ram, the husband of the present petitioner (Indrawati) died on

09.06.1979. The brother of Kali Ram (son of Anant Ram) died on 03.04.1983. Admittedly neither Anant Ram and nor his two sons during their lifetime had applied for allotment of an alternate plot. The application seeking allotment of an alternate plot was made for the first time on 10.09.1987 by Indrawati, the daughter-in-law of predeceased son of Anant Ram. A recommendation had been made by the DDA recommending a plot in her name on 19.07.1993. Some inter-se objections were raised by other family members i.e. sister-in-law of the petitioner in the year 1993 itself. Thereafter the writ petition shows that no action has been taken by the petitioner up to the date of filing of the present petition which was in March, 2015.

The objections raised by the respondents have been noted. The contention of the respondent is that the application seeking allotment of an alternate plot has to be considered in the light of the Policy for which it was formulated; it was formulated to provide succour to those persons who had become landless on the acquisition of their land which had been acquired. Admittedly in this case, the land of the father-in-law of the petitioner had been acquired on 24.03.1967. Neither of his two sons i.e. Kali Ram and Mange Ram applied for an alternate plot during their lifetime. The application seeking allotment of an alternate plot was made for the first time on 10.09.1987 which was by the daughter-in-law and after a lapse of more than 20 years. There appears to be no explanation for this delay.

Be that as it may and also noting the submission of the petitioner that on 19.07.1993, a recommendation for alternate plot was made in favour of the petitioner, this Court again notes that

thereafter again the petitioner slept over the matter from 1993 up to 2015 i.e. for more than 22 years before seeking her remedy (if any) in law.

The rejection letter had noted all these facts in the correct perspective and had rightly drawn a conclusion that the petitioner is not entitled to any benefit as there appears to be inordinate delay in pursuing her remedy, if any. In a judgment of a Division Bench of this Court in MANU/DE/2387/2014 Ramwati Vs. Government of NCT of Delhi, it was noted that there is an element of urgency for rehabilitation in the scheme for allotment of alternate plots and where in that case, there was a delay of 13 years in filing that application, the writ petition had been dismissed. The Court had reiterated that a person who sleeps over his/her right cannot wake up as and when he/she desires and claim allotment of an alternate plot.

It is clear that in the instant case also, the petitioner not having pursued her case diligently and having applied for the initial allotment after 20 years and the recorded owner not having taken resort to this provision; that apart even when a reconsideration for an alternate plot was made in favour of the petitioner in 1993, she waited up to next 22 years to exercise her legal remedy for which there appears to be absolutely no explanation let alone any justifiable explanation.

Petition is without any merit. Dismissed.

INDERMEET KAUR, J

SEPTEMBER 08, 2016

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