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

+ W.P.(C) 2605/2015 & CM Appl. 4662/2015

VIDYAWATI @ VIDYA DEVI AND ORS. Petitioners
Through: Mr. Harpreet Singh with Mr. Rajesh Gupta
and Mr. Pranjal Saran, Advs.

versus

GOVT. OF NCT OF DELHI AND ANR. Respondents
Through: Mr. Aman Khullar, Adv. for Land &
Building Department
Mr. Arun Birbal with Mr. Sanjay Singh, Advs. for
DDA

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

ORDER

% **25.02.2016**

The present writ petition has been filed challenging the order dated 15th April, 2014 whereby respondent No. 1 rejected the petitioner No.1's application for allotment of alternative plot in lieu of acquired land. Petitioners, in the present writ petition, also seek fresh consideration of petitioner No. 1's application for allotment of alternative plot in lieu of acquired land.

No counter affidavit has been filed despite notice having been accepted by the counsel for the Land & Building Department as far back as 17th March, 2015.

Today, learned counsel for the Land & Building Department states that, till date, he has not received any comments.

The matter has been listed in Court on as many as seven occasions between 17th March, 2015 and today. Consequently, this Court is of the opinion that enough opportunities have been given to

the Land & Building Department to file its counter affidavit. This Court is also of the opinion that if any further opportunity is granted to the Land & Building Department, it would cause serious injustice to the petitioner.

A perusal of the impugned order dated 15th April, 2014 reveals that the petitioner's application for alternative plot in lieu of acquired land has been rejected on the ground that she had not applied for alternative plot within time. It is stated in the impugned order that while the applicant received the compensation for acquired land on 28th September, 1993, she had filed the application for alternative plot only on 26th May, 2000.

However, a perusal of the file reveals that it was only on 28th April, 2000 that the final compensation was received by the sons of petitioner No. 1. Consequently, this Court is of the view that the petitioner No.1's application for alternative plot in lieu of acquired land is within limitation.

Accordingly, the present writ petition is allowed and the impugned order dated 15th April, 2014 is set aside.

The Land & Building department is directed to reconsider the petitioner No. 1's application dated 26th May, 2000 for allotment of alternative plot in lieu of acquired land within a period of three months.

MANMOHAN, J

FEBRUARY 25, 2016/NG