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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 3047/2015

RANJEET SINGH

..... Petitioner

Through Mr.Sandeep Sharma and Ms.Risha
Mittal, Advocates.

versus

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF
DELHI & ORS.

..... Respondents

Through Mr. Puneet Aggarwal and Ms Dalveer
Kaur, Advs for R-1.
Mr.Yeeshu Jain and Ms.Jyoti Tyagi,
Advocates for Land & Building
Deptt.
Ms. Pallavi Shali and Ms. Natasha
Thakur, Advs for DDA.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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29.09.2016

The petitioner is aggrieved by the letter dated 04.10.2013 vide which application seeking allotment of an alternate plot had been rejected. The Competent Authority i.e. the Land and Building Department was of the view that the compensation having been paid to the applicant on 27.01.1984; the application for alternate plot having filed on 30.12.1986 and inspite of letters having been written to the applicant (on 28.07.1993; followed by another letter dated 24.09.1993 for submission of the record) and the appellant having failed to comply with the same, it was not possible to process his case any further; his case was accordingly closed and intimated to the

petitioner vide communication dated 04.01.1994. This letter further communicated to the petitioner that closed cases cannot be reopened.

The petitioner was aggrieved by this finding. He has filed the present writ petition in March, 2015. The contention of the petitioner is that there is lack of diligence on his part; he was pursuing his case diligently.

These submissions have been refuted.

Record has been perused. Record shows that the petitioner's father was the owner of 8 bigha and 12 biswas of land in village Pochanpur, New Delhi. He passed away on 27.10.1983. The land was mutated in the name of the petitioner and his brother on 17.04.1984. On 22.09.1986, the land of the petitioner was acquired. An application seeking allotment of an alternate plot was made on 26.12.1986. Contention of the petitioner is that this application was kept pending by the Department illegally. On 11.01.1994, the petitioner was shocked to receive a letter wherein it was stated that his case was closed. He wrote to the respondent that his case should be reopened but this was to no avail. He had not received any letter dated 27.08.1993 or letter dated 24.09.1993. The petitioner's case was repeatedly placed before the Recommending Committee but no action was taken. The petitioner visited the office of the Department but again there was no response. On 09.04.2012, the petitioner was constrained to apply under the RTI Act and information revealed (under the RTI Act) to the petitioner that closure of his case on 04.01.1994 was under an error and inadvertence. His explanation dated 20.08.1998 was considered. The further noting (in the internal

file of the Department as revealed under the RTI Act) showed that the case of the petitioner for reopening was to be considered by the Committee. This noting is dated 01.03.1999. The submission of the petitioner is that all this shows that there was an inaction on the part of the Department. His application does not suffer from delay and latches. He is entitled for an alternate plot. To support his submission he has placed reliance upon a judgment passed by the Division Bench of this Court in LPA No.101/2010 Govt of NCT of Delhi Vs. Smt. Veerwati. He has also placed reliance upon 2007 (141) DLT 484 Delhi Development Authority Vs. Saraswati Devi.

Per contra, these arguments have been refuted. This Court notes that the first judgment of Veerwati (heavily relied upon by the petitioner) was on a different factual matrix. In that case, although the case of the petitioner was closed on 07.12.1993; requisite documents were submitted on 27.12.1993 and a formal application for reopening of case was made on 21.03.1994. Her case was reconsidered and rejected on 15.01.2007 and again on 26.02.2007. Writ petition was filed in May, 2007. The Court (in that case) was thus of the view that the petition does not suffer from latches. Present case is on a different factual matrix. In the present case, even as per the petitioner his application for alternate plot was rejected on 11.01.1994 when he learnt about the fate of the closure of his case. This has been averred in the petition itself. Present petition, at the cost of repetition, has been filed in March, 2015 i.e. after a gap of 21 years. Even presuming the submission of the petitioner that he had obtained requisite information under the RTI Act revealing to him

that his case was to be re-considered; his case was to be reconsidered in March, 1999. Even if Limitation is counted from March, 1999, the present petition filed in March, 2015 would again be after a lapse of 16 years. This submission that was RTI information was received in March 2012 will not absolve from his liability of due diligence and care in the pursuit of his case. Thus In this intervening period, there appears to be no explanation as to what the petitioner did; his submission that he had made visits to the office of the Department and written to them has not been substantiated by document. These are only oral submissions.

The stand of the Department is also crucial. The stand of the Department being that the case has been closed way back in the year 1994 and the same having been admittedly intimated to the petitioner on 11.01.1994, the present petition after a lapse of more than twenty years cannot be answered and if this allowed, there would be flood gates open to all person who were slumbering over their rights.

It was not the object of the Policy.

This Court notes the Government Policy in this regard. The Policy of the Government was to give succour to those persons whose lands had acquired and they did have roof or shelter over their heads. It would be difficult to equate with the petitioner to such persons. It would be difficult to imagine that the petitioner (who had although applied for an alternate plot within time), yet not having cared to find out the fate of his case for such a long time had remained homeless or landless in all these years.

The Division Bench of this in 148 (2008) DLT 460 Raj Karan

Vs. Land and Building Department had noted that whereafter the closure of his case the applicant remained quiet and had gone into deep slumber and had not been diligent in pursuing his case for allotment of an alternate plot, he was held not entitled to any relief.

In LPA No.227/2014 Smt. Ramwati and Others Vs. Govt of NCT of Delhi and Others delivered on 11.08.2014, the Division Bench of this Court had noted that where the petitioner had become aware of the rejection letter in the year 2010 but the delay of mere three years in filing the writ petition in Court, they were not entitled to be reconsidered.

This Court is thus of the view that the delay from 1994 up to the year 2015 remains unexplainable. This leads to the presumption that the petitioner was not in the need of such a plot. The element of urgency for this rehabilitative scheme is not met; this was the object of the Scheme.

The judgment of Saraswati Devi (supra) is also inapplicable. That was dealing with an application under Section 5 of the Limitation Act.

Petition is without any merit. Dismissed.

INDERMEET KAUR, J

SEPTEMBER 29, 2016

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