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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 5178/2016

GINDORI DEVI @ GUNWANTI

..... Petitioner

Through Ms.Namrata Sharma proxy counsel.

versus

UNION OF INDIA & ORS

..... Respondents

Through Mr.Satyendra Kumar, Standing
Counsel along with Mr. Jitendra Kr.
Tripathi, CGP for the UOI/R-1.
Mr.Yeeshu Jain and Ms.Jyoti Tyagi,
Advocate for R-2.
Mr.Shreshtha Jain, Advocate for
DDA/R-3.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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25.07.2016

Petitioner is aggrieved by the letter dated 03.02.2016 issued by the Land and Building Department wherein his application for an alternate plot had been rejected on the ground that there was a delay in the submission of his application. The order dated 03.02.2016 clearly states that the applicant had received compensation of the acquired land on 02.8.2002 but his application for allotment of alternate plot in view of the acquired land only submitted on 29.9.2003. This is beyond the prescribed limit of one year. Even as per the case of the Department, the delay appears to be less than two months. Learned counsel for the petitioner submits that the petitioner

was unaware of the statutory period of one year for filing such an application due to which had led to the delay in filing the application for the alternate plot. She submits that in similar matter a Bench of this Court had allowed a petition and had asked the Department to reconsider the case of the petitioner in that case.

The prima submission of the petitioner on this count is that the petitioner is an illiterate and uneducated farmer. She has no residence in Delhi. She was unaware of the fact that there was a time limit of one year for filing an application for an alternate plot. Her further submission being that her case may be decided on merits and should not be thrown out on the ground of delay as the delay is less than two months. Additional submission being that the Department has in fact taken more than a decade to decide her application; her application was filed before the Department on 29.9.2003 but they had passed the impugned order rejecting her application for alternate plot only on 03.02.2011. Learned counsel for the petitioner in support of her submission has placed reliance upon a judgment of a Bench of this Court in Chander Bose vs. Union of India 107(2003) DLT 604. Submission being that if the delay in making the application is satisfactorily explained it should not be rejected.

In Rattan Singh vs. Union of India & Ors. W.P.(C) 1967/1987 on the question of delay a Bench of this Court was of the view that if the petitioner 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.

This Court in the instant case is of the view that in terms of the

explanation given by the petitioner, the delay of less than two months appears to be justifiable; it would thus be appropriate for the Department to reconsider the case of the petitioner and pass a speaking order on the merits of her case. The representation made by the petitioner will thus be answered in accordance with law on its merits. Petition disposed of.

Order dasti under signatures of the Court Master.

INDERMEET KAUR, J

JULY 25, 2016

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