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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 5345/2016

DEEAPK

..... Petitioner

Through Mr. Rahuvinder Godara, Adv.

versus

LAND & BUILDING DEPARTMENT

..... Respondent

Through Mr. Yeeshu Jain and Ms. Jyoti Tyagi,
Adv.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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09.08.2016

The petitioner is aggrieved by the fact that his application seeking allotment of an alternate plot has been rejected for the reason that it was time barred.

Record shows that the land of the petitioner was acquired vide Award dated 24.10.2002. This land is situated in part of South-west Dwarka, New Delhi. The land in question bears khasra No. 28/6/2, 7/2, 14/2, 8/1, 15 and 28. Total land measuring 15 bigha of which the petitioner's share was one-quarter. Compensation has been received by the petitioner on 07.04.2003 amounting to Rs.14,97,056. The petitioner is seeking an alternate plot which is beyond the prescribed period of one year. The rejection letter notes this and the dates also mentioned in the rejection letter. The delay even as per the Department is of three months. Contention of the petitioner is that he was minor at that time and he was unaware of his right and that is

why he could not filed his application in time. His submission is that his case should be considering on merits and delay should not come in his way.

On advance notice, learned counsel for the respondents has put in appearance. Her submission is that the rejection letter suffers from no infirmity.

Noting the above factual matrix as also the ratio of the judgment reported in W.P. (C) No. 1967-87/2013 Rattan Singh Vs. Union of India where on the question of delay, the Bench of this Court was of the view that if the petitioner was otherwise entitled for an alternate plot, on the ground of delay he should not be deprived of his right and especially when the delay is justifiable and explainable.

Noting the factual matrix of the instant case and the fact that the delay is only of three months as also the explanation furnished by the petitioner which was that the petitioner was a minor at that point of time, this Court is of the view that the impugned order is liable to be set aside. The case of the petitioner shall be considered on merits in accordance with law.

Petition disposed of.

INDERMEET KAUR, J

AUGUST 09, 2016

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