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

+ **W.P.(C) 5399/2016**

SUDHIR UDAR

..... Petitioner

Through Mr. Raghuvinder Godara, Advocate

versus

LAND & BUILDING DEPARTMENT

..... Respondent

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

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **15.07.2016**

C.M. No. 22524 /2016 (exemption)

Exemption is allowed subject to just exceptions. Application disposed of.

W.P.(C) 5399/2016

Contention of the petitioner before this Court is that his land was acquired by Award No. 26/2002-2003 by the Land Acquisition Collector, South-West District, Dwarka, New Delhi on 23.10.2002. Compensation was received by him from the Department amounting to Rs. 36,03,026/- on 09.12.2002. The total land was 8 Bighas and 4 Biswas. On 04.02.2015 the petitioner had approached the respondent i.e. Land and Building Department for accepting his application along with the requisite documents for an alternate plot. Respondent however did not accept his application and did not recommend the allotment of the alternate plot. Present petition has accordingly been

filed.

On advance notice, learned counsel for the respondent has put in appearance. It is pointed out that there is inordinate delay on the part of the petitioner in approaching the Department for an alternate plot as his land was acquired way back in the year 2002; he has received the compensation from the Land Acquisition Collector amounting to Rs. 36,03,026/- in the same year but he has approached the respondent for an alternate accommodation only in February, 2015 i.e. after a gap of almost 13 years for which the petitioner has given no explanation and the petition as such should be dismissed limine alone. Reliance has been placed on the judgement of the Division Bench of this Court reported as 86 (2000) DLT 505 titled as Smt. Sundari Bala Vs. Lt. Governor & Ors. and another judgment of Division Bench of this Court reported as 192 (2012) DLT 368 titled as Govt. Of NCT of Delhi vs. Jagdish Singh.

The judgments have been perused. The ratio of the judgments clearly applies to the case of the present petition. In the first judgment of Smt. Sundari Bala (supra) the Bench of this Court had noted that the application for allotment of an alternate plot has to be made within the period of a particular time frame and where in that case also the petitioner had approached the respondent party after a gap of 13 years, the Court had noted that the application of the petitioner was time barred and bad on the ground of laches and the case of the petitioner could not be considered; he not having approached the Court within time. In the subsequent judgment of Jagdish Singh (supra) the Court had noted that the purpose of a scheme of allotment

of an alternate house is to give succour for those persons whose lands were acquired and on this deprivation, they have become homeless or need a house in the city. Such persons have to file an appropriate application within time and to avail their legal remedy in the absence of which no relief could be granted.

Applying the ratio of the said judgments in the instant case, this Court is of the view that the petitioner is not entitled to any relief as admittedly at the cost of repetition he had received compensation for the acquisition of his land way back in the year 2002 but he had approached the Department seeking an alternate plot only 13 years later i.e. Oct 2015 for which there being no explanation whatsoever this Court is of the view that the action on the part of the Department in not accepting this letter suffers from no wrong; application of the petitioner being time-barred and bad on the ground of laches and inordinate delay deserves no sympathy. The whole purpose of an alternate plot as noted in the judgment of the Division Bench was to give succour to those persons whose lands were acquired and on this deprivation they had become homeless; the petitioner admittedly could not have remained without a home for 13 years; he having approached the Department after such a long delay deserves no sympathy.

Petition is accordingly dismissed.

INDERMEET KAUR, J

JULY 15, 2016

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