

\$~2

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

W.P.(C) 6798/2012

SUNIL KUMAR

..... Petitioner

Through Counsel for the petitioner (appearance
not given)

versus

GOVT. OF NCT DELHI AND ANR

..... Respondents

Through Mr. Santosh Kumar Tripathi, ASC
with Mr. Rijwan, Adv for R-1.
Mr. Yeeshu Jain, standing counsel
with Ms. Jyoti Tyagi, Adv for R-2.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **12.08.2016**

The petitioner is aggrieved by the letter dated 08.03.2006 wherein his application seeking allotment of an alternate plot had been rejected; this rejection was on the ground that his application seeking allotment of an alternate plot was beyond the period of limitation; the letter states that the petitioner had received compensation on 01.02.2000; the application should have been filed within one year i.e. 31.01.2001 but the same had been filed on 18.03.2005 and as such being beyond the period of limitation, this application was rejected.

Learned counsel for the petitioner disputes this submission. His submission is that the petitioner who was admittedly a major on 01.02.2000 who attained majority only on 01.07.2004, the application filed by the petitioner on 18.03.2005 was within the period of one

year from the date of his attaining majority. Learned counsel for the petitioner has drawn attention of this Court to an order passed by the erstwhile District Judge in Guardianship Case No. 324/1997 dated 08.12.1999. In this order, the mother of Smt. Sunita had been appointed as guardian of minor Sunil Kumar (present petition). The guardian namely the mother of the present petitioner was permitted to receive the amount of compensation (Rs.4,18,282.21 paise); on behalf of the minor, the same had to be deposited and kept in a fixed deposit amount by the mother in the account of the minor in a nationalized bank/post office which would become payable to the minor only on his attaining majority. Submission of the learned counsel for the petitioner is that this order makes it very clear that the petitioner had actually received compensation in his hand only on 01.07.2004 and this application filed on 18.03.2005 was thus within one year from the date of his attaining the majority. The facts of the instant case do make out a case in favour of the petitioner.

Learned counsel for the respondent on this count submits that this order had been passed by the learned District Judge only to protect the financial interest of the minor and would not give a fresh cause of action to the petitioner. The LAC had in fact discharged its duties once the amount had been paid in the Reference Court.

This Court notes the peculiar facts of the instant case and is of the view that since the petitioner has received the actual compensation on 01.07.2004 (he admittedly being a minor could not have filed an application in his capacity as a minor till that time). The application preferred on 18.03.2005 being within the period of one year if

counted from 01.07.2004 was within time.

The impugned order of rejection is set aside. The case of the petitioner be decided on merits. Petition disposed of.

INDERMEET KAUR, J

AUGUST 12, 2016

A