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

+ LPA 563/2016

ROHTASH SINGH & ANR Appellant
Through Mr. Ashok Gurnani, Advocate.

versus

UNION OF INDIA & ORS Respondent
Through Mr. Reshesh Mani Tripathi, Advocate
for UOI.
Mr. Arun Birbal, Advocate for the DDA.

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER
18.10.2016

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Having heard learned counsel for the appellant, we are inclined to agree with the learned single Judge, who has dismissed the writ petition seeking allotment of alternative plot of land on the ground of delay and laches.

2. The appellant's claim is predicated on the acquisition of land belonging to his father in the year 1981. Noticeably, the writ petition was filed by the appellant herein in 2010 as a legal heir, who is entitled to allotment of alternative residential plot of land in place of

his father. In the writ petition reference was made to the application filed by the appellant with the Government of NCT of Delhi for allotment of alternative plot of land on 24th December, 2008. The writ petition or even the amended writ petition did not refer to any earlier application filed by the father of the appellant or the appellant himself. However, in the counter affidavit, Government of NCT of Delhi had pointed out that father of the appellant had made an application for allotment of alternative plot of land and despite repeated communications, there was no response. The last communication was received back by the authority with the endorsement that the applicant i.e. the father of the appellant had died. The file was accordingly closed on 28th February, 1985. In the rejoinder affidavit filed by the appellant reference was made to communications made by the appellant and the Government of NCT of Delhi. We do not know and cannot comment on the authenticity of the said communications. However, it does appear that last such communication from the Government of NCT of Delhi was in the year 1986. The appellant was asked to submit various documents and also appear in person for clarification etc.

3. From 1986 till 1999 again there was a complete silence and inaction on the part of the appellant. As per the case of the appellant, after 1986, he had approached the authorities i.e. Delhi Administration by writing letter dated 13th December, 1999. After the said letter, to which, as per the appellant no reply was received, the appellant had made an application in 2008.

4. The reason why we are not inclined to accept the plea of the appellant and overlook and approbate delay and laches in the present case is that there has been astounding and unbelievable increase in the value of land in Delhi from 1981 till 2010. The alternative land is allotted at concessional rates, considerably lower than the market rates. The appellant, it is apparent, was not in need and requirement of the alternative residential land, for otherwise he would have followed up with the authorities and approached the Court. In the absence of exigency and need for roof over one's head, the appellant wants to secure advantage and benefit of the premium which the allotted land would command. These practical factors cannot be ignored.

4. Looking at the aforesaid facts, we do not find any merit in the

present appeal and the same is dismissed.

SANJIV KHANNA, J.

SUNITA GUPTA, J.

OCTOBER 18, 2016

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