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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 9672/2016**
ATTAR SINGH & ORS

..... Petitioners

Through Mr. S.K. Rout and Mr. Vinay Kumar,
Advts.

versus

**THE SECRETARY (LAND & BUILDING) DEPARTMENT,
GOVT. OF NCT OF DELHI & ANR**

..... Respondents

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

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **21.10.2016**

The petitioner is aggrieved by the rejection letter dated 29.01.2014 vide which his application seeking allotment of an alternate plot had been turned down for the reason that it was beyond the period of one year. This letter itself reflects that the petitioner has received his compensation for his acquired land on 25.11.2002. His application seeking allotment of an alternate plot had to be filed within one year i.e. up to 24.11.2013. It was filed belatedly i.e. on 02.12.2013 which would be after a delay of about 8 days. This is the only reason for the rejection of his application. Learned counsel for the petitioner submits that the petitioner being an uneducated and illiterate person did not know the nuances of law and he did not know that his application has to be strictly filed within the aforementioned statutory period; his case should be considered and should not be

thrown out merely on the ground of this small delay.

Learned counsel for the respondent seeks time to file a counter affidavit. This Court notes that there is no need to file counter affidavit as the law on this score has been settled by this Court in its various orders/judgments. This Court notes the reason for the delay as also the period of delay which is only about 8 days.

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.

Noting the above ratio, this Court is of the view that the case of the petitioner should also be considered on merits. The rejection letter dated 29.01.2014 is set aside. The case of the petitioner be considered on merits and be decided as per seniority.

Petition disposed of.

INDERMEET KAUR, J

OCTOBER 21, 2016

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