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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 5486/2015**
DINESH KUMAR

..... Petitioner

Through Dr. Sufat Singh and Ms. Ankita
Garma, Advs.

versus

LAND AND BUILDING DEPARTMENT

..... Respondent

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

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER
% 09.09.2016

The petitioner is aggrieved by his letter of rejection dated 16.12.2014 vide which his application seeking allotment of an alternate plot in lieu of his acquired land had been rejected by the Committee as it was noted that this application was filed beyond the prescribed limit of one year.

This letter has been perused. It notes that the petitioner had received compensation of his acquired land on 02.08.2002. His application seeking allotment of an alternate plot in lieu of his acquired land was filed on 29.09.2003. Period of one year had been prescribed. This also finds mention in the letter. Even as per the case of the respondent, the petitioner had submitted his application after a delay of about 57 days. Learned counsel for the petitioner submits

that the petitioner was unaware of the statutory period of one year for filing such an application; this had led to the delay in filing the application. Further submission is that the petitioner is illiterate and did not know the nuances of law. Additional submission being that the Department itself has taken more than 11 years in deciding her application for which the Department has no answer.

In a judgment of a Bench of this Court in Chander Bose vs. Union of India 107(2003) DLT 604, it had noted if the delay in making the application is satisfactorily explained it should not be rejected.

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.

This Court is of the view that in terms of the explanation given by the petitioner and the delay being even less than two months, the explanation does appear to be justifiable; it would thus be appropriate for the Department to reconsider the case of the petitioner and pass a speaking order on the merits of his case. The case of the petitioner be considered on its merits.

The impugned order is set aside. Petition disposed of.

INDERMEET KAUR, J

SEPTEMBER 09, 2016

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