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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 5750/2015 & C.M. No.10340/2015**
NARENDER SHARMA

..... Petitioner

Through Mr. Bhagwat, Adv.

versus

GOVT OF NCT OF DELHI

..... Respondent

Through Mr. Yeeshu Jain, Adv.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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19.07.2016

The petitioner is aggrieved by the letter dated 05.03.1999 wherein his application for alternate plot was rejected as he has not applied for alternate plot within time. The petitioner is aggrieved by this finding. His submission is that his case was covered by the judgment passed in W.P. (C) No.4516/2000 titled "*Hari Kishan Sharma Vs. Govt. of NCT of Delhi*". The ratio of that judgment has been considered. In that case, there was a delay of about 3 years in approaching the Court after the rejection letter had been issued. The Bench of that Court had also made a reference to a judgment in "*GNCTD Vs. Smt. Vidyawati*" passed in W.P. (C) No.154/2004 wherein the delay in filing the application for an alternate plot being more than 7 years was considered to be barred by laches.

The facts of the instant case disclose that the land of the petitioner's father was acquired vide Award No. 1992-1993. Compensation qua the acquisition was received by the father of the petitioner on 03.11.1997 of Rs.80,932/- vide payment certificate dated 03.11.1997. The father of the petitioner expired on 23.10.1988. The petitioner could not apply for the alternate plot as he was unaware of this right and it was only when he learnt from his uncle in April, 2015 that the petitioner was entitled to an alternate plot and that the petitioner learnt that his father had in fact applied for the alternate plot but the same had been rejected on 05.03.1999. He could thus approach this Court only thereafter.

This submission of the learned counsel for the petitioner is bereft of merit as admittedly the rejection letter is dated 05.03.1999 and the petitioner has approached this Court in 2016 i.e. after a gap of more than 17 years. There appears to be no justifiable explanation for this delay. The whole purpose and object of the scheme of allotment of an alternate accommodation is to give succour to those persons whose lands were acquired and on this deprivation, they have become homeless or need a house in the city; the application has to be filed in time to avail this legal remedy in the absence of which no relief could be granted to them. This is also the ratio of the Division Bench judgment of a Bench of this Court in 86 (2000) DLT 505 Sundari Bal Vs. Lt. Governor & Others.

In the instant case, the petitioner has admittedly approached this

Court after a span of 17 years. It cannot be imagined that in this period, the petitioner remained homeless; he had no home where he is living. In the memo of parties, he has mentioned his address as house No. 70/1, Taimoor Nagar, New Delhi. This by itself reflects that the petitioner is already having a house. He is definitely not homeless and the purpose of the alternate plot is not met with. The petitioner cannot be permitted to avail of this remedy and to use it for a commercial purpose; it was not the object of this scheme to allot alternate plots to people who did not require it but would avail of this benefit and then sell the plot so allotted to them at a higher rate for commercial purposes.

The case of the petitioner deserves no sympathy. It dating back to 17 years when the rejection letter having been issued on 05.03.1999, his case cannot be considered after this long lapse of 17 years ; it is barred by delay and laches. The judgment of Vidyawati (supra) also squarely comes to the aid of the respondent wherein in that case delay of 7 years was alone held by the Division Bench to be a case barred by laches.

Petition is without any merit. Dismissed.

INDERMEET KAUR, J

JULY 19, 2016

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