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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 10488/2016**
JAGBIR SINGH

..... Petitioner

Through Mr. Rajeev Guwana and Mr. Rajesh
Dabas, Advs.

versus

GOVT. OF NCT OF DELHI & ORS

..... Respondents

Through Mr. Yeeshu Jain and Ms. Jyoti Tyagi,
Advs. for R-1.
Mr. Nikhil Goel and Mr. Ashutosh
Ghade, Advs. for DDA.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **07.11.2016**

The petitioner is aggrieved by the letter of rejection dated 25.07.2016 communicated to him informing him that his application seeking allotment of an alternate plot had been rejected for the reason that it was time barred.

This communication has been perused. It reflects that the petitioner had been granted compensation on 24.08.2000. He had filed his application seeking allotment of an alternate plot on 11.02.2005. His case was rejected as being time-barred.

Learned counsel for respondent No.1 has put in appearance. She does not wish to file counter affidavit. Her submission is that the inordinate delay of five years is unexplainable; this Court has passed several orders endorsing the view of the Department that in such like

cases, the petitioner should not be granted any benefit.

Record shows that the land of the petitioner falling in Loharheri was acquired under a large scale acquisition scheme on 21.04.1999. It is not in dispute that the petitioner had received compensation for his land on 24.08.2000. An application seeking allotment of an alternate plot had been made by him on 11.02.2005. This is an admitted fact. The vehement submission of the petitioner is that the Department sat over his application for the last 11 years and passed the impugned order only in July, 2016. Their contention that his application is time-barred should apply to them as well as they have also sat over his application for more than one decade. Learned counsel for the petitioner in support of his submission that he should not be condemned unheard has placed reliance upon a judgment of a Division Bench of this Court in LPA No.190/2015 Government of NCT of Delhi through Secretary Vs. Poonam Gupta. Submission of the learned counsel for the petitioner being that the applications which are made beyond the prescribed period as specified in the public notice cannot be treated as time-barred; if a party has a justifiable reason, his application should be heard and he should not be thrown out on this ground alone.

These submissions have been countered.

This Court notes the facts of the case. Admitted position is that the petitioner had received compensation for his acquired land on 24.08.2000. The second admitted position is that up to 11.02.2005 he had not made any application seeking allotment of an alternate plot. All these facts are admitted. There is no explanation whatsoever in

the entire body of the writ petition informing the Court as to why he had sat over his application for five years. A period of one year was prescribed for filing an application which period has to be counted from the date of the receipt of compensation for the acquired land which at the cost of repetition was in August, 2000. The petitioner having applied five years later i.e. in February, 2005 was not entitled to any consideration on merits as a person who has been negligent in the exercise of his rights having slumbered over them is not entitled to any discretionary relief. The judgment of Poonam Gupta (supra) does not come to his aid. Besides the fact that in that case there was only a delay of less than four months, the Court has noted that if there is justifiable explanation for the delay given, the case of a party may be considered on merits. At the cost of repetition, there is no explanation for the delay which in the instant case is almost five years.

This Court also notes the object of the scheme was to provide alternate plots to those persons who did not have a roof over their heads. It could not be imagined that for the last five years i.e. till the date when the application had been filed by the petitioner (seeking allotment of an alternate plot) he remained homeless or landless. The petitioner does not fit into the object of the Policy. The petitioner thus cannot be permitted to avail of this remedy and to use it for a commercial purposes; this was not the object of the scheme. The case of the petitioner does not deserve any sympathy.

A Bench of this Court in Government of NCT of Delhi Vs. Smt. Vidyawati passed in W.P. (C) No.154/2004 had noted that where

there was delay of seven years in preferring an application for an alternate plot, it was definitely held to be barred by laches.

Petition is without any merit. Dismissed.

INDERMEET KAUR, J

NOVEMBER 07, 2016

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