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IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(C) 7210/2015

DROPATI DEVI

..... Petitioner

Through Mr.N.S.Negi, Advocate.

versus

UNION OF INDIA & ANR

..... Respondents

Through Mr.B.Mahapatra, Advocate for Land
and Building Department.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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26.07.2016

Petitioner is aggrieved by the fact that in spite of his application having been filed before the competent Body on 15.7.1987 his application for alternate plot has not been considered on merit. It had been rejected by communication dated 25.4.2013. In this communication (Annexure P-8) it has been stated that the applicant should have applied within a period of one year from the date of receiving compensation. He having received compensation on 16.5.1964 but having applied for alternate plot only on 15.7.1987, his application was time barred. His application and plea for alternate plot was accordingly rejected.

A counter affidavit has been filed by the respondent. In this counter affidavit, the stand as noted supra in the communication dated 25.4.2013 has been reiterated. It is stated that the application of the petitioner is time barred.

Learned counsel for the petitioner has drawn attention of this Court to public notice which has admittedly been issued by the Department (Annexure P-2). This notice stipulates that the persons in whose case acquisition proceedings had been finished may apply in the prescribed form along with all requisite enclosures for recommendation of allotment of an alternative plot of land in lieu of the acquired land. This application should reach the Office of the Secretary (L&B) positively on or before 30.4.1989. It was further stipulated that only those persons who are recorded owners and who have not applied earlier may apply.

There is no dispute to the fact that the petitioner was the recorded owner. It has also come on record that the application filed by the petitioner for alternate plot was on 15.7.1987. This was prior to the cut off date of 30.4.1989.

This Court is of the view that the case of the petitioner requires reconsideration. The application of the petitioner along with all the requisite documents is already stated to have been filed before the Department. The Department shall consider the case of the petitioner i.e. his prayer for alternate plot on merits and shall endeavour to dispose of the application expeditiously as this Court has been informed that the petitioner is a 91 year old lady.

Petition disposed of.

INDERMEET KAUR, J

JULY 26, 2016

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