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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 10478/2015
HIRA LAL YADAV

..... Petitioner

Through Mr. B.K. Mishra and Mr. Baldev
Sharma, Advs.

versus

THE SECRETARY, LAND & BUILDING DEPARTMENT & ORS

..... Respondents

Through Mr. Yeeshu Jain and Ms. Jyoti Tyagi,
Advs. for R-1.
Mr. Paritosh Anil, Adv. for R-2.
Ms Arti Bansal, Adv. for R-3.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **04.08.2016**

The petitioner is aggrieved by the fact that an alternate plot has not been allotted to him inspite of the fact that the land of his father stood acquired.

The averments in the writ petition disclose that the father of the petitioner namely Sanghram Yadav was the owner of the agricultural land in the revenue estate of village Hastal. This was acquired by the Government by the award dated 29.11.1961 followed by a subsequent award dated 04.03.1967. Sanghram Yadav expired on 12.09.1979. He had admittedly did not apply for the alternate plot during his lifetime. The petitioner is stated to be a senior citizen being 65 years of age suffering from various ailments. Since the land of his father stood acquired, the petitioner being a legal heir of his deceased father

was entitled to an alternate plot in lieu of the land which had been acquired of his father. Submission is that a letter dated 20.06.2012 was sent by the petitioner to the Department asking them for allotment of an alternate plot but no reply has been received. A legal notice was also sent to the Department in 2013. No action has been taken on the communication of the petitioner. Writ petition was accordingly filed in August, 2015.

A counter affidavit has been filed respondent No. 2 i.e. the DDA. Respondent No.3 i.e. Union of India has also filed a counter affidavit. Their stand is not really relevant. The relevant party is Land and Building. The Land and Building Department has not filed their counter affidavit but oral instructions have been received. The short submission made on their behalf before this Court is that this petition needs to be rejected straightaway as it is barred by delay and laches. Submission is that the policy for allotment of an alternate plot was to succour to those landless and homeless persons whose lands had been acquired by the Government. Admittedly the land of the father of the petitioner having been acquired in 1967 even as per the case of the petitioner, he had applied for an alternate plot only in June, 2012 which was more than 45 years thereafter.

The submissions of the respondent are borne out from the record. It is the case of the petitioner himself that the land of the petitioner had been acquired in 1961 and again in the year 1967. The father of the petitioner had expired in September, 1967. He had admittedly not applied for alternate plot. The petitioner being the legal heir of his deceased father had applied for it for the first time in

June, 2012; he sent a letter to the DDA; this letter was not addressed to respondent No. 1 who was the relevant person. This however may not be of much relevance in view of the averments made in the writ petition and the list of dates which clearly show that for next 45 years, the petitioner remained silent and it was only in June, 2012 that he wrote a letter to the respondent asking them for alternate plot. There appears to be no justifiable explanation for this delay. The whole object of the scheme of alternate allotment was to provide homes or shelters to those who had become landless in lieu of acquisition of their land in entirety. It was not for commercial purpose i.e. to enable the persons to set an alternate plot allotted in order that they could sell them in the open market. It would be difficult to believe that a person whose land has been acquired in 1961 remained homeless and without a shelter up to 2012 when he moved the present application. Such a huge delay which is wholly unexplained does not draw any sympathy from this Court. The Division Bench judgment of a Bench of this Court in 86 (2000) DLT 505 Sundari Bal Vs. Lt. Governor & Others had also laid down the ratio in this context holding that an unexplained delay in approaching the Court for an alternate plot unaccompanied by any explanation would not entitle such a party to any relief.

In this background, this petition is without any merit.
Dismissed.

INDERMEET KAUR, J

AUGUST 04, 2016

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