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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 8345/2015

MAHAVIR SINGH

..... Petitioner

Through Mr. N.S. Dalal, Adv.

versus

LAND AND BUILDING DEPARTMENT

..... Respondent

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

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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24.08.2016

The petitioner is aggrieved by the fact that his application for allotment of an alternate plot had been rejected vide communication dated 08.06.2015. This letter had communicated to the petitioner that since the land of the petitioner had been acquired on 18.12.2002, his application for alternate plot which was filed on 25.02.2004 was beyond the prescribed period of one year; it was accordingly rejected.

Learned counsel for the petitioner rightly points out that even presuming that these dates are correct, the delay, if any, would only be of about three months and as such a valuable right of the petitioner would be lost in case his case is not permitted to be considered on merit. This Court is of the view that the submission of the learned counsel for the petitioner has force.

In W.P. (C) No. 1967-87/2013 Rattan Singh Vs. Union of India on the question of delay, a Bench of this Court had noted that if the

petitioner was otherwise entitled for an alternate plot, merely on the ground of delay he should not be deprived of his right and especially when the delay is justifiable and explainable.

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

The case of the petitioner before this Court is that he is illiterate and not sure of this legal nuisance and that is the reason why he could not apply for an alternate plot within requisite period. The delay is satisfactorily explained. Even otherwise, the delay would only be of about three months.

The petition is allowed. The rejection letter dated 08.06.2015 is set aside. The case of the petitioner be considered on merits.

INDERMEET KAUR, J

AUGUST 24, 2016

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