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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 3766/2016 and CM No. 16064/2016

GAON SABHA JONAPUR THROUGH BDO, SOUTH

..... Petitioner

Through Mr. D. Rajeshwar Rao and Mr.
Charanjeet Singh, Advocates

versus

SHYAM SAHNI

..... Respondent

Through None

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **15.07.2016**

This petition seeks redressal against order dated 22.07.2011 passed by the Financial Commissioner, Delhi. The Financial Commissioner while disposing of the petition had noted that the Gaon Sabha / petitioner had filed a petition under section 81 of Delhi Land Reforms Act. Proceedings under Section 81 of the said Act had been initiated by the Revenue Assistant. These proceedings were dropped on 26.06.2000. The petitioner approached the Collector in appeal. This appeal was dismissed on limitation vide order dated 27.02.2003. The Financial Commissioner vide its order dated 22.07.2011 was of the view that there was nothing wrong in the order passed by the Collector and the inordinate delay in filing the appeal was

unexplainable and even if it is Government Department, there being an unnecessary delay which was of more than one and half years which amounted to an un-pardonable delay had accordingly dismissed the appeal. The order of the Collector was endorsed. The present writ petition has been filed in April 2016 assailing the order passed by the Financial Commissioner on 22.07.2011.

This Court had queried the learned counsel for the petitioner as to the inordinate delay in filing this petition. He has relied upon list of dates which have been placed before this Court. In this list of dates the order of the Financial Commissioner finds mention as an order dated 22.07.2011 but there after there is no explanation whatsoever as to why the petitioner had approached this Court after a gap of 5 years. This matter was in fact listed yesterday and counsel for the petitioner had sought time for today to address this Court on the question of limitation. His submission is that he be heard on merits. This Court is of the view that unless and until the hurdle of limitation is crossed the present appeal cannot be heard on merits.

Although there is no prescribed statutory period for preferring a writ petition yet there are various guidelines laid down by various Courts including the Apex Court on the time frame during which an aggrieved litigant must approach the Court to get his grievance redressed.

The petitioner has not approached the Court within the prescribed time. It is presumed that he has no grievance. In the present case the petitioner has woken up from his slumber after a period of more than five years for which he has no explanation. This Court is of the view that the petitioner is clearly lackadaisical bordering on the point of negligence.

The petitioner deserves no sympathy from this Court. This petition cannot be entertained and hence dismissed on the ground of limitation with cost of Rs. 5,000/- to be deposited with the Delhi High Court Legal Services Committee.

INDERMEET KAUR, J

JULY 15, 2016

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