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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 859/2017 & CM No.3955/2017**
SHRI VIKAS KUMAR

..... Petitioner

Through Mr. Naresh K. Daksh, Adv

Versus

GOVT. OF NCT OF DELHI

..... Respondent

Through Mr. Yeeshu Jain & Ms Jyoti Tyagi,
Adv

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **16.08.2017**

Matter taken up today as 14.8.2017 was declared a holiday on account of Krishan Janmastmi.

The petitioner is aggrieved by the letter of rejection dated 19.09.2016 wherein his application seeking allotment of an alternate plot had been rejected for the following reasons:-

“With reference to the above-mentioned subject, I am directed to inform you that your case for allotment of alternative plot in lieu of acquired land has been placed before the meeting of Recommendation Committee held on 11.05.2016 and it was observed that the applicant vide this office letter No.1506 dated 04.05.2016 was requested to appear before the Recommendation Committee for personal hearing on 11.05.2016 at 2:00 P.M In response to said letter Shri Parvinder Kumar appeared and was heard by the Committee. The Committee observed the applicant has filed the

application on 16.01.2004 & received the compensation on 12.01.2003 as per payment certificate. However the applicant has submitted the acknowledgment wherein it has been reflected that he has submitted the application on 04.01.2004 but the same has been revived from R&I Branch & confirm that the application was received on 16.10.2004 which is beyond stipulated time. Hence the case is REJECTED being time barred.”

This communication notes that the compensation of the acquired land was received by the petitioner on 12.01.2003. Counting a period of one year from the said date, he could have filed his application seeking allotment of an alternate plot on or before 11.01.2004. He had however applied on 16.01.2004. There being a delay of 4 days. This was the reason why his application was rejected. Learned counsel for the petitioner points out that the Division Bench in the case of Government of NCT of Delhi Thr Secretary (Land & Building Department) Vs. Dharma Pal had an occasion to consider this aspect and was of the view that where the delay was 30 days, the order passed by the Single Judge had not been interfered with. He has also placed reliance upon an order passed by this Court in W.P. (C) No.9673/2015 Kaushalya Devi Vs. Govt of NCT of Delhi dated 01.09.2016 wherein reliance had been placed upon a judgment of the Division Bench of this Court reported as 226 (2016) DLT 269 Government of NCT of Delhi Vs. Poonam Gupta. In Poonam Gupta, the Court had noted that if the petitioner otherwise has a case on merits, delay should not come in his way if justifiable explained.

In view of the averments made in the present petition, the delay of 4 days appears to be justifiable.

Accordingly, the rejection letter dated 19.09.2016 is set aside. The case of the petitioner be considered on merits and his application seeking allotment of an alternate plot be decided within an outer limit of four months from today.

Petition disposed of in the above terms.

INDERMEET KAUR, J

AUGUST 16, 2017

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