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

+ **W.P.(C) 141/2017**

GIAN BALA

..... Petitioner

Through: Mr. Sumit Bansal and Ms. Sumi
Anand, Advs.

versus

STATE (GOVT. OF NCT OF DELHI)

..... Respondent

Through: Mr. Yeeshu Jain and Ms. Jyoti Tyagi,
Advs.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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01.03.2017

1. Pursuant to the last order, the additional affidavit has been filed explaining the reasons for delay in filing the petition challenging the letter dated 25th October, 2013. The same has been perused. The affidavit gives plausible explanation for not approaching the Court immediately.
2. As noted above, the challenge in the writ petition is to the letter dated 25th October, 2013. The prayers made in the writ petition are the following:

(a) Pass a writ, order or direction in the nature of a writ of certiorari thereby quashing the impugned rejection letter dated 25.10.2013 of Respondent wherein, the application of the Petitioner for alternate allotment under the "Land Scheme of large Scale Acquisition Development and Disposal of the Land in Delhi" has been rejected on the completely arbitrary, mala fide and illegal ground.

(b) Pass a writ, order or direction in the nature of writ of mandamus thereby directing the respondent to recommend the name of the petitioner for allotment of an alternative plot of land under the scheme of large scale acquisition, development and disposal of land in Delhi dated 2.5.1991 and allot an alternative plot; and

(c) Pass such other or further orders as this Hon'ble Court

may deem fit and proper in the facts of the present case.”

3. Mr. Sumit Bansal, learned counsel appearing for the petitioner concedes to the fact that late Jagdish, husband of the petitioner was in receipt of communication dated 23rd January, 1986, wherein the following has been stated by the respondent:

“With reference to your application for allotment of alternative plot, I am directed to say that your case has been considered and rejected as your case is not fall under the policy.”

4. Suffice to state the said communication has not been challenged by Late Shri Jagdish, who expired in 2001. If that be so, mere issuance of letter dated 25th October, 2013 with more reasons would not revive the cause of action which had already accrued to the predecessor-in-interest of the petitioner in the year 1986. The communication dated 23rd January, 1986 had attained finality and this aspect has also been noted in the impugned letter dated 25th October, 2013. The last three lines of which I reproduce as under:-

“Hence under the provision of the existing policy he was not entitled for the allotment of alternative plot therefore his case was rejected by the then J.S. L&B on 21/1/86 and intimation that effect was sent to Sh. Jagdish S/o Tika Ram vide this office letter dated 22/1/86.”

5. Further, there is no challenge to the communication dated 23rd January, 1986 in the petition. The reliefs as prayed for cannot be granted. The writ petition is dismissed.

V. KAMESWAR RAO, J

MARCH 01, 2017/jg