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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 916/2017

AJIT SINGH @ AJEET YADAV

..... Petitioner

Through Ms. Richa Kapur, Adv.
versus

GOVT. OF NCT OF DELHI & ANR

..... Respondents

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

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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01.08.2017

The petitioner is aggrieved by the fact that inspite of her representations having remained pending before the respondent (wherein the petitioner had sought allotment of an alternate plot), the same has not been answered till date.

Present writ petition has been filed on 31.01.2017. The list of dates has been perused. The averments made in the petition have also been studied. These averments decipher that the father of the petitioner was owner of 1/3rd land comprised in khasra No.32 in village Hastsal measuring 15 bigha 15 biswas. This land was acquired vide Award dated 18.04.1967. He expired on 01.02.1983. He was survives by his legal heirs which include the petitioner.

The petitioner on 22.01.1987 submitted his application seeking allotment of an alternate plot. On 26.06.1989 certain information was sought by respondent No. 2 from the petitioner. This information was

communicated by the petitioner to respondent No. 2 on 06.07.1989. Intervening 06.07.1989 up to February, 2011, there is nothing which the petitioner has to say in the matter. The list of dates further reveals that in February, 2011, the petitioner had visited the office of the Department but received no response. He wrote a representation to the Lt. Governor in February, 2011 which was forwarded to respondent No. 2 for taking necessary action.

In January, 2017, after a gap of 6 years (14.02.2011 to 01.01.2017) the petitioner learnt that many of the persons living in the same village have received alternate plots. He was aggrieved. He accordingly filed the present writ petition.

On advance notice, learned counsel for the respondent has put in appearance. Her submission is that this petition is not maintainable and the same should be dismissed in limine on the ground of delay and laches. This has also been recorded by this Court in the earlier order-sheet dated 01.02.2017. It had also noted that the petitioner had sought time to refer to judgments to support her submission the case is not hit by delay and laches. Learned counsel for the petitioner has placed reliance upon judgment reported as 1997 I AD (Delhi) 385 Asha N. Madnani Vs. Delhi Development Authority & Others as also another judgment in W.P. (C) No.19095/2004 Surender Kumar Mehta Vs. Delhi Development Authority to support her submission that when there is delay and laches on the part of the Department itself, the petitioner should not be penalized. The Department itself slumbering over the matter since the last many years, the petitioner cannot be held to be at fault for this inaction on the part of the respondent. Both

these judgments related to allotment of DDA flat. They would not apply to the facts of the instant case which facts relate to the object of a Scheme which Scheme had been floated by the Government to allot land to landless/homeless persons in order they could be rehabilitated on the acquisition of their land. The Policy of the Government has to be kept in mind while dealing with such like matters. The same shall be discussed later. Learned counsel for the petitioner has placed reliance upon certain other judgments including the judgment reported in W.P. (C) No.6074/2011 Ishwar Singh Vs. Government of NCT of Delhi & Anr. delivered on 19.12.2011; submission is that this case relates to allotment of plots; the Court had noted that the slumbering act on the part of the respondent should not be used to penalize the petitioners who are really in the capacity of victims.

Per contra, learned counsel for the respondent has placed reliance upon a judgment of the Division Bench of this Court reported as LPA No.112/2015 Government of NCT of Delhi Vs. Jangli Ram & Others delivered on 03.07.2015 as also W.P. (C) No.5399/2016 Sudhir Udar Vs. Land and Building Department.

The facts of the instant case disclose that the father of the petitioner had received compensation on 18.04.1967. He had in fact during his lifetime not approached the Department. He had died on 01.02.1983. During his lifetime, the father of the petitioner did not move any application seeking allotment of an alternate plot although this policy was in operation in that period of time. It was only the petitioner who had thought of moving the present application which application seeking allotment of an alternate plot was filed in the year

1987. After filing this application, the petitioner slept over the matter. On 06.07.1989, the petitioner informed the respondent that all communications in future should be addressed at his correct address and he was ready to appear before the Department. Thereafter from 06.07.1989 up to February, 2011, the petitioner did not do anything. He did not bother to know the fate of his case. In February, 2011 (even as per his own case), the petitioner visited the Department where his application is pending. In February, 2011, he wrote a representation to the Lt. Governor which was then forwarded to the respondent. There was no response. He again slept over the matter for six years. In January, 2011 (as per his own averments) he went to the office of the Department. There is no document to show this fact but even assuming this fact as a gospel truth, this is a clear case of delay and laches.

The object of the policy was to award land to those persons who have become landless or homeless and did not have roof over their heads. In the instant case, the father of the petitioner did not seek allotment of an alternate plot. He obviously had a home and that is why he did not seek an alternate plot. The petitioner as the legal heir of his father chose to file an application in the year 1989 when his father had received compensation in the year 1967; this was again after a lapse of 20 years. Presumably the petitioner did have a roof over his head during this period of 20 years and that is why he also not chose to move an application seeking allotment of an alternate plot although his father had expired in 1983. List of dates as narrated above clearly show that the petitioner was wholly negligent in

pursuing this application. He did not bother to find out as to what was happening to his case. In July, 1989, he wrote a letter to the Department informing them that all communications in future should be addressed at his present address. Thereafter, there is no document to substantiate the story that he had done anything till the filing of the present writ petition which was in January, 2017. There is an inordinate and unjustifiable delay of almost 30 years (counted from the date of his reply i.e. 06.07.1989), this is a clear case where the petitioner not being diligent, he is not entitled to any relief. The judgments, relied upon by the counsel for the respondent, come to her aid. The judgments relied upon by the learned counsel for the petitioner do not come to her aid; they are distinct on facts.

Petition is without any merit. Dismissed.

INDERMEET KAUR, J

AUGUST 01, 2017

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