

\$~7

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 1224/2015
JEET SINGH

..... Petitioner

Through Mr. Dipanshu Chugh, Adv.
versus

LAND & BUILDING DEPARTMENT

..... Respondent

Through Mr. Puneet Agarwal, Adv.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **28.08.2017**

The petitioner is aggrieved by the letter of rejection dated 29.10.2013 vide which his application seeking allotment of an alternate plot qua his land (which had stood acquired) was rejected. This communication informed the petitioner that the application seeking allotment of an alternate plot was filed beyond the period of 3 months; hence the case of the petitioner stood rejected as being time barred.

Record shows that the land of the petitioner was acquired 06.04.1990; he had received compensation on 01.11.1991. He had sought allotment of an alternate plot on 22.04.1992 i.e. after a period of 5 months. Learned counsel for the respondent points out that at that point of time, the application seeking allotment of an alternate plot ordained a period of 3 months within which the application had to be filed; the period of limitation was thereafter extended to one year.

This Court had an occasion to consider this aspect in a case

reported as 140(2007) DLT 474; **Simla Devi vs. Secretary & Ors** wherein a delay of four months had been condoned. Similarly, a Division Bench in the judgment reported as 226 (2016) DLT 269 **Government of NCT of Delhi Vs. Poonam Gupta** had held that if the petitioner otherwise has a case on merits, delay should not come in his way if justifiably explained.

Noting the ratio of above noted propositions as also the facts of the instant case, the court is of the view that the case of the petitioner stands on a deserving footing and as such the delay of 7 days in filing the aforementioned application is condoned.

Accordingly, the rejection letter dated 29.10.2013 is set aside. The case of the petitioner be considered on merits and his application seeking allotment of an alternate plot be decided as per seniority.

Petition disposed of in the above terms.

INDERMEET KAUR, J

AUGUST 28, 2017

A