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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 1591/2017**

GOLA DEVI Petitioner
Through: Mr.Sanjay Singh, Adv.

versus

GOVT. OF NCT OF DELHI Respondent
Through: Mr.Yeeshu Jain with Ms.Jyoti Tyagi,
Advs.

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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21.02.2017

1. The present petition has been filed by the petitioner challenging the communication dated 31st October, 2014. The present petition is the second round of litigation inasmuch as the petitioner had earlier filed WP(C) No.2589/2014 which was disposed of vide order dated 13th May, 2014. The operative part of the order reads as under:-

“(7) This Court has perused the order dated 19.11.2013 and is of the opinion that the present petition can be disposed of on similar terms. Accordingly, the petitioner is directed to file an affidavit with the respondent/Government of NCT of Delhi within a period of three weeks stating inter alia that:-

- (i) Her land had been acquired by Govt. of NCT of Delhi for planned development of Delhi;*
- (ii) She had taken compensation in respect of the acquired land from the Government and has not refunded the said compensation;*
- (iii) She has not taken back the possession of the acquired land and has not encumbered the same or otherwise dealt with it in any manner;*

(iv) The acquisition of the aforesaid land has not been challenged by her before any forum'

(v) She had duly applied to the Government of Delhi for allotment of an alternative plot.

8. In the affidavit, the petitioner shall also furnish full details of the application seeking allotment of alternative plot. On filing the aforesaid affidavit, the petitioner's application, if already submitted shall be duly processed by the respondent on her turn maturing, reckoned from the date of submission of the said application or as per the respondent's policy, if the same prescribes otherwise.

9. The scrutiny of the petitioner's application shall be completed within a period of 12 weeks from the date of submission of the affidavit in terms of this order, provided the turn of the petitioner has matured for such consideration. Objections, if any, shall be communicated to the petitioner within two weeks of completing the scrutiny and deficiencies, if any, shall be removed by her within four weeks thereafter. The final decision on the application seeking alternative allotment shall be taken by the respondent within a period of 12 weeks of the deficiencies being removed in all respects and shall be duly communicated to the applicant within two weeks thereafter. However, it is clarified that the petitioner shall not be entitled to an out of turn consideration of her application."

2. Admittedly, affidavit filed by the petitioner was on 7th August, 2014 beyond a period of three weeks. The reason given for the delay in submitting the affidavit is that the petitioner had suffered injuries in her backbone due to fall in the bathroom and was undergoing treatment. Unfortunately, no document evidencing such an injury and the petitioner taking treatment in the hospital has been filed along with the petition. In other words, the very foundation of the petition

is absent.

3. In the absence of any document evidencing the injury and the fact that the present petition has been filed after more than 2½ years of the impugned communication, the petition is liable to be dismissed.

Ordered accordingly.

V. KAMESWAR RAO, J

FEBRUARY 21, 2017
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