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

+ **W.P.(C) 3040/2017**

JAI KISHAN

..... Petitioner

Through Mr.Sanjay Verma, Mr. Rajiv and Ms.
Latika Basetiya, Advs.

versus

GOVT. OF NCT & ANR

..... Respondents

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

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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22.08.2017

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 06.05.2016 and it was observed that the applicant vide this office letter No.1287 dated 27.04.2016 was requested to appear before the Recommendation Committee for personal hearing on 06.05.2016 at 2:00 P.M but none appeared. On the scrutiny of record, the Committee observed the applicant has received the compensation of acquired land on 06.01.2003 whereas the application for allotment of alternative plot in lieu of acquired land was submitted on 01.07.2004 which is beyond the prescribed time limit of one year. Hence the case is REJECTED being time barred.”

This communication notes that the compensation of the acquired land was received by the petitioner on 06.01.2003. 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 05.01.2004. He had however applied on 01.07.2004. There was a delay of 6 months. This was the reason why his application was rejected. Learned counsel for the petitioner points that a Single Judge of 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 justifiable 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 six months in filing the aforementioned application is condoned.

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.

AUGUST 22, 2017
A/SU

INDERMEET KAUR, J