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

+ LPA 276/2017

SHRI JAI BHAGWAN Appellant

Through: Mr. N.S. Dalal with Ms. Toral
Banerjee & Mr. Amit Dhankhar, Advs.

versus

LAND & BUILDING DEPARTMENT Respondent

Through: Mr. Yeeshu Jain, Standing Counsel
with Ms. Jyoti Tyagi, Adv. for L&B/LAC.

+ LPA 317/2017 & CM No.16159/2017

PREM KALA Appellant

Through: Mr. N.S. Dalal with Ms. Toral
Banerjee & Mr. Amit Dhankhar, Advs.

versus

LAND & BUILDING DEPARTMENT Respondent

Through: Mr. Yeeshu Jain, Standing Counsel
with Ms. Jyoti Tyagi, Adv. for L&B/LAC.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

08.11.2017

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1. The appellants' grievance in these two appeals is that their claim for a direction that their application for alternative plot ought to be considered was unjustifiably rejected by the learned Single Judge

to dismiss the writ petition.

2. According to the averments, the appellants have claimed – through an application, alternative plot in April, 1989, after receiving compensation for the lands acquired sometime back in 1986-87. Apparently, the original land owner (in LPA 276/2017) died on 13.04.2005. The appellants approached this Court in writ proceedings complaining of the respondent's inaction and certain appropriate directions.

3. The learned Single Judge taking cue from the Division Bench ruling entitled *Government of NCT of Delhi v. Jangli Ram & Ors.* (LPA No.112/2015 decided on 03.07.2015 held that the writ petitions were belated and deserved dismissal.

4. This Court has heard counsel for the parties and considered the materials on record. *Jangli Ram* (supra) was the case where the petitioner's claim had been closed and he was aware of it. In these cases, the respondents have not stated that the appellants' cases were considered and rejected or closed. Rather, they do not deny that the cases were that the applications had not been decided and that in any event there was nothing on record to indicate that. In these circumstances, the Single Judge, in our opinion, fell into error in applying the ratio in *Jangli Ram* (supra).

5. In the result, a direction is issued to the respondents to consider the applications made for alternative plot, by late Inder Singh (predecessor of Appellant in LPA 276/2017) and Smt Prem Kala

(Appellant in LPA 317/2017). The decision shall be taken within six weeks from today and intimation thereof shall be communicated directly to the appellants at the addresses furnished by them in the appeals.

6. In case so required by the respondents, the appellants shall co-operate in furnishing such documents and particulars as may be necessary. All rights and contentions of the parties are kept open.

7. The appeals are allowed in the above terms.

8. Order *Dasti* under signatures of court master.

S. RAVINDRA BHAT, J

SANJEEV SACHDEVA, J

NOVEMBER 08, 2017

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