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

+ LPA 552/2016

HIRA LAL YADAV

..... Appellant

Through: Mr.B.K. Mishra with Mr.Santosh
Singh and Mr.Baldeo Sharma, Advs.

versus

THE SECRETARY LAND & BUILDING

DEPARTMENT AAND ORS

..... Respondent

Through: Mr.Yeshu Jain with Ms.Jyoti Tyagi,
Advs. for R-1.

Mr.Hira Lal Yadav with Mr.Paritosh Anil, Advs.
for DDA.

Ms.Arati Bansal with Ms.Mohita, Advs. for UOI.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **06.01.2017**

1. The unsuccessful petitioner in W.P.(C) No.10478/2015 is the appellant before us.
2. The said writ petition was filed challenging the alleged inaction on the part of the respondents in allotting an alternate plot to the petitioner/appellant herein in spite of the fact that the land of his father was acquired long back.
3. Admittedly, the land of the appellant's father was acquired in the year 1961. His father died in the year 1967. Long thereafter, the petitioner applied for an alternate plot in the year 2012. The learned Single Judge, therefore, held that the petitioner/appellant herein cannot be granted any relief and dismissed the writ petition observing:

“It is the case of the petitioner himself that the land of the petitioner had been acquired in 1961 and again in the year 1967. The father of the petitioner had expired in September, 1967. He had admittedly not applied for alternate plot. The petitioner being the legal heir of his deceased father had applied for it for the first time in June, 2012; he sent a letter to the DDA; this letter was not addressed to respondent No. 1 who was the relevant person. This however may not be of much relevance in view of the averments made in the writ petition and the list of dates which clearly show that for next 45 years, the petitioner remained silent and it was only in June, 2012 that he wrote a letter to the respondent asking them for alternate plot. There appears to be no justifiable explanation for this delay. The whole object of the scheme of alternate allotment was to provide homes or shelters to those who had become landless in lieu of acquisition of their land in entirety. It was not for commercial purpose i.e. to enable the persons to set an alternate plot allotted in order that they could sell them in the open market. It would be difficult to believe that a person whose land has been acquired in 1961 remained homeless and without a shelter up to 2012 when he moved the present application. Such a huge delay which is wholly unexplained does not draw any sympathy from this Court. The Division Bench judgment of a Bench of this Court in 86 (2000) DLT 505 Sundari Bal Vs. Lt. Governor & Others had also laid down the ratio in this context holding that an unexplained delay in approaching the Court for an alternate plot unaccompanied by any explanation would not entitle such a party to any relief.

In this background, this petition is without any merit. Dismissed.”

4. Having heard the learned counsel for both the parties, we are of the view that the conclusion of the learned Single Judge does not suffer from any legal infirmity warranting interference in an intra-court appeal.

5. The appeal is accordingly dismissed.

CHIEF JUSTICE

SANGITA DHINGRA SEHGAL, J

JANUARY 06, 2017/pmc