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

+ W.P.(C) 10531/2016

ASHOK KUMAR VERMA

..... Petitioner

Through Mr. Rajesh Gupta, Adv.

versus

GOVERNMENT OF NCT OF DELHI & ANR

..... Respondents

Through Mr. Shray Nargotra for Mr. Kunan
Sharma, Adv for R-2.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **03.08.2017**

The petitioner is aggrieved by the letter of rejection dated 26.03.2015 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 21.01.2015 and it was observed that as per available record, the applicant received the compensation of acquired land on 02.09.2002 whereas the application for allotment of alternative plot in lieu of acquired land was submitted on 22.09.2003 which is beyond the prescribed time limit of one year. Hence the case being time barred is REJECTED”.

This communication notes that the compensation of the acquired land was received by the petitioner on 20.09.2002. 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

02.09.2003. He had however applied on 22.09.2003. There being a delay of 20 days. This was the reason why his application was rejected. Learned counsel for the petitioner points out that the Division Bench in the case of Government of NCT of Delhi Thr Secretary (Land & Building Department) Vs. Dharma Pal had an occasion to consider this aspect and was of the view that where the delay was 30 days, the order passed by the Single Judge had not been interfered with. He has also placed reliance upon an order passed by this Court in W.P. (C) No.9673/2015 Kaushalya Devi Vs. Govt of NCT of Delhi dated 01.09.2016 wherein reliance had been placed upon a judgment of the Division Bench of this Court reported as 226 (2016) DLT 269 Government of NCT of Delhi Vs. Poonam Gupta. In Poonam Gupta, the Court had noted that if the petitioner otherwise has a case on merits, delay should not come in his way if justifiable explained. In view of the averments made in the present petition, it appears to be justifiable.

Accordingly, the rejection letter dated 26.03.2015 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.

INDERMEET KAUR, J

AUGUST 03, 2017

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