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

+ **W.P.(C) 7211/2017 & C.M.No.29877/2017**

KANTA Petitioner

Through Mr.Samir Jha, Advocate.

versus

LAND & BUILDING DEPARTMENT Respondent

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

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **21.08.2017**

Petitioner is aggrieved by the letter of rejection dated 01.4.1992 vide which the application of the husband of the petitioner seeking allotment of an alternate plot had been rejected. This was for the reason that the necessary documents as had been sought for from the husband of the petitioner had not been furnished by the petitioner.

Record shows that the land of the husband of the petitioner was acquired on 27.01.1984; he received compensation on 24.10.1986; he moved an application for alternate plot within time i.e. on 11.12.1987. Since the documents as required from the husband of the petitioner had not been furnished, his application stood rejected on 01.4.1992.

Oral submission has been made before this Court that the order dated 01.4.1992 was never conveyed to the husband of the petitioner. This submission does not find mention in the petition. It has been brought to the notice of the learned counsel for the petitioner that this plea has never been pleaded by the petitioner in the petition that the

husband of the petitioner did not receive any communication qua the order dated 01.4.1992 whereby the case of the petitioner had been rejected.

At this stage, learned counsel for petitioner points out that the husband of the petitioner was alone in the know-how of the matter and he became sick and finally expired in the year 2009 and the petitioner learnt about her right only after the death of her husband. Her son also died in the year 2012-2013. This had led to the delay in filing the present petition.

At the outset, learned counsel for respondent submits that the petition suffers from a delay of more than 25 years i.e. one quarter of a century, it cannot be entertained. Such an unexplainable delay is not justified.

This Court endorses this submission of the learned counsel for respondent. This Court also notes that the policy which has been set up by the Government for allotting alternate plots is for those persons whose land has been acquired and who did not have any home or house to rehabilitate themselves. Admittedly, the land of the husband of the petitioner had been acquired in the year 1984. He had received compensation in his life time i.e. in the year 1986. He made an application for alternate plot in December, 1987. His case stood rejected on 01.4.1992. This order of rejection has never been communicated to the husband of the petitioner (which is not the case of the petitioner in the petition). This communication having been received by the husband of the petitioner in the year 1992 and this petition having been preferred more than 25 years later, this Court

does not find any reasonable explanation forthcoming from the petitioner to entertain this petition at this belated stage.

The object of the policy of the Government for allotment of an alternate plot was to provide homes to those persons who had become homeless. It cannot be presumed that upto 25 years, the present petitioner had remained homeless; her husband died in the year 2009. Even in his lifetime up to his death (2009) the span of more than 15 years (from the date of his application) he did not bother to find out about the fate of his application. The petitioner now coming before this Court after such a huge delay cannot be considered sympathetically.

A Division Bench of this Court in WP(C) 16/1991 titled Shri Sunder Singh (since deceased) Vs. Union of India, where there is delay of 18 years in filing the petition had held as follows:

“28. We hold that the application under the above said scheme is time barred and the petitioner was guilty of laches and undue delay. The Delhi Administration introduced scheme of alternative plot to provide better living to the person who is in genuine and urgent need of proper accommodation. The petitioner has applied in 1986 for alternative plot, however, her land was acquired in 1959. This clearly indicates that the petitioner is not in need of the land, otherwise he would not have applied after so many years. In view of our aforesaid discussion on the ground of delay and laches, we find no merit in the writ petition. The same is hereby dismissed. No costs.”

Applying the ratio of the aforementioned judgment, this petition has no merit. It is accordingly dismissed.

INDERMEET KAUR, J

AUGUST 21, 2017 / ndn