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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LPA 642/2017, C.M. APPL.35588/2017

AJIT SINGH @ AJEET YADAV Appellant
Through : Ms. Sonia Sharma, Ms. Neha Chug, Sh.
R.K. Saini and Sh. V.C. Jha, Advocates.

versus

GOVT OF NCT OF DELHI & ANR Respondents
Through : Sh. Yeeshu Jain and Ms. Jyoti Tyagi,
Advocates, for L&B/LAC

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE R.K. GAUBA

ORDER

% **27.09.2017**

1. The appellant's grievance is that his application for allotment of alternative plot made on 22.01.1987 was not responded to at all but the learned Single Judge rejected the writ petition seeking directions for due consideration of the said application.

2. The facts are that the petitioner's father owned 1/3rd share of land in Khasra no.32, measuring 15 bighas 15 biswas in Village Hastsal, Delhi. It was acquired pursuant to notifications under the *Land Acquisition Act, 1894* and the award was made on 18.04.1967; the compensation was paid on 18.04.1967. The original land owner, i.e. the appellant's father died on 01.02.1983.

3. In these background of circumstances, on 22.01.1987, the appellant applied for alternative plot in accordance with the prevailing policy. The appellant contends that on several occasions, in 1989 and

even subsequently, he was asked to provide information – the last of which was elicited on 14.02.2011.

4. Complaining of arbitrary inaction, the appellant approached this Court relying upon certain decisions rendered previously. Learned Single Judge formed the opinion that the petition was hit by inordinate delay and laches given that the original land owner who could have applied under the policy which substantially remained the same so far as eligibility conditions are concerned in 1967-68, chose not to do so.

5. Learned Single Judge relied upon the Division Bench judgments in *GNCTD of Delhi v. Jangli Ram* [LPA 112/2015, decided on 03.07.2015] and subsequent judgment in *Sudhir Udar v. Land & Building* [W.P.(C) 5399/2016, decided on 15.07.2016].

6. It is argued on behalf of the appellant by Ms Sonia Sharma, learned counsel, that the respondents have acted deliberately and did not consider the application for allotment of alternative plot.

7. It was contended that the deliberate and wilful conduct needed to be sanctioned and that in these circumstances, the real and substantial benefit that would have accrued to the appellant ought not to have been ignored. She relied upon *Asha. N. Madnani v. Delhi Development Authority and Anr.* 1997 I AD (Del) 385 and *Surender Kumar Mehta v. Delhi Development Authority* [W.P.(C) 19095/2004, decided on 16.12.2004].

8. This Court is of the opinion that the learned Single Judge's finding with respect to laches is essentially a reasonable one.

Concededly, the original land owner received compensation on 18.04.1967. The policy for allotment of alternative land/plots formulated in 1961 envisioned that those displaced and eligible under its terms were to apply for allotment of such alternative plot within a definite time frame.

9. For the reasons best known, the land owner who received compensation in this case in April 1967 chose to forego that benefit. Much after his death, i.e. on 01.02.1983, the appellant - son approached the authorities. That the authorities on few occasions asked details in routine manner to process the application *per se*, in this Court's opinion, did not amount to extending the period of limitation that long had lapsed. What in reality the appellant is asking this Court is to set the clock back, as it were, to a 50-year position. Even the writ petition was filed 30 years after the application for allotment of alternative plot was made. The findings of delay and laches were but inevitable and, in our opinion, reasonable.

10. The appeal is accordingly dismissed along with the pending application.

S. RAVINDRA BHAT, J

R.K. GAUBA, J

SEPTEMBER 27, 2017/ajk