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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 10210/2015**
CHANDERKALA

..... Petitioner

Through Mr.S.Chakraborty, Advocate.

versus

LAND & BUILDING DEPARTMENT

..... Respondent

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

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **08.12.2017**

Petitioner is aggrieved by the letter of rejection dated 01.10.2014 wherein the case of the petitioner seeking allotment of alternate plot had been declined. This letter of rejection had been communicated to the petitioner; it had been communicated to the petitioner that after the acquisition of his land, the petitioner had received his compensation on 24.6.1981 he had submitted his application seeking allotment of alternate plot only on 29.12.1987. The application should have been filed within three months from the date of receipt of the compensation. The case of the petitioner being hugely time barred, it was not considered.

Counter affidavit of respondent is premised on the same submission. It is stated that the land of the petitioner had been acquired pursuant to which he had received compensation on

24.6.1981. He had made an application for allotment of alternate plot only on 29.12.1987 which was after more than 6 ½ years. Courts have time and again held that such an inordinate delay of 6 ½ years should not be considered and the case of the petitioner thus rightly rejected.

On this score learned counsel for petitioner points out that before filing of the present writ petition an earlier writ petition filed by the petitioner i.e. WP(C) No.5626/2013 titled Chanderkala Vs. Land and Building Department was filed and disposed of on 26.3.2014. The petitioner had been granted liberty to file his relinquishment deed within 3 weeks whereafter his application was to be processed in accordance with law within a period of 6 weeks from the date of the receipt of the remaining documents on 26.3.2014. Relevant would it be to extract the last paragraph of the aforementioned order, which reads as under:

“5. In view of the aforesaid submission, the present petition is disposed of with liberty granted to the petitioner to submit the relinquishment deed to the respondent within three weeks from today, where after her application shall be processed by the respondent on the basis of documents submitted by her, in accordance with law within six weeks from the date of receipt of the remaining documents.”

Record shows that on 02.6.2014 the petitioner received a communication from the respondent Department asking him to submit his relinquishment deed at the earliest. The petitioner had submitted his relinquishment deed on 06.6.2014 (Annexure-D). Submission of the petitioner being that there is only a three day delay in the

submission of the relinquishment deed and his case should be considered on merits.

In response learned counsel for the respondent points out that the Department has obtained the order passed in WP(C) 5626/2013 on 26.3.2014 wherein the petitioner had been granted permission to file the relinquishment deed within three weeks which order he had not complied with. This relinquishment deed even as per the case of the petitioner was filed on 06.6.2017; that was after the communication dated 02.6.2014 issued to the petitioner again by the Department which was not an onus upon the Department as the writ petition had been disposed of on 26.3.2014 directing the petitioner to place on record the relinquishment deed. This Court notes this submission.

This Court also notes that while disposing of the petition on 26.3.2014 the Court had directed the petitioner to place on record the relinquishment deed as also a direction to the respondent to dispose of the case of the petitioner within six weeks from the date of receipt of the said documents which remained to be filed apart from relinquishment deed and other documents which had to be filed by the petitioner.

In view of the aforementioned narration of facts, this Court is of the view that since the last date as per the respondent for the submission of the relinquishment deed (in response to the last letter issued by the respondent seeking submission of the relinquishment deed is 02.6.2014) and the petitioner having filed the aforementioned document on 06.6.2016 (Annexure-D); it is fit that the case of the petitioner should be considered as per seniority. It is, however, made clear that no

further documents will be submitted by the petitioner to the Department; the documents lying in the file of the Department shall alone be considered qua the case of the petitioner seeking allotment of alternate plot and this consideration will be as per seniority.

Petition disposed of in the above terms.

INDERMEET KAUR, J

DECEMBER 08, 2017
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