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

+ W.P.(C) 442/2017

JUG LAL SHARMA

..... Petitioner

Through Mr.Somdutt Kaushik, Advocate.

versus

GOVT OF NCT OF DELHI AND ANR

..... Respondent

Through Mr.Yeeshu Jain with Mr.Devansh
Bhatnagar, Advs.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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12.03.2018

The petitioner was the recorded owner of agricultural land in Village Samalkha, Delhi, which was acquired on 18.09.1985 vide notification issued under the Land Acquisition Act and the possession thereof was taken by the Government on 06.11.1985. Vide the impugned order dated 06.12.2016, the petitioner's application for allotment of alternative plot in lieu of acquisition of land, has been rejected, as being time barred.

Learned counsel for the petitioner submits that the petitioner was paid compensation on 02.01.1987 and at that point of time he was not informed that he had to submit an application for alternative plot within a period of three months from receiving of the compensation. He further submits that immediately upon issuance of a payment certificate dated 26.04.1989 by the Land Acquisition Collector, the

petitioner had submitted an application for allotment of alternative plot on 27.04.1989.

Learned counsel for the petitioner, thus contends, that there was no delay on the part of the petitioner in making the said application since he received the payment certificate only on 26.04.1989, which certificate was essential, for him to apply for allotment of alternate plot. He further submits that, in any event, in view of the Amnesty scheme issued by the respondents themselves on 30.04.1989, the respondents ought to have considered the petitioner's application on its own merits, instead of rejecting the same on the ground of delay.

He also relies on decisions of this Court in *Simla Devi vs. Secretary & Ors.*, 140 (2007) DLT 474 and *Govt. of NCT of Delhi Through Secretary (Land & Building Department) vs. Poonam Gupta & Ors.*, 225(2015) DLT533 (DB) in support of his plea that the petitioner's application ought not to have been rejected on the ground of delay.

The record shows that the right of the respondent to file counter affidavit was closed by this Court vide order dated 19.02.2018.

Today, Mr.Yeeshu Jain, learned counsel for the respondents who appears on advance notice submits that since the petitioner did not submit his application within the prescribed time, the respondents were not enjoined to consider his application under the said scheme. He is, however, unable to dispute the fact that the petitioner's application was submitted much before the cut-off date of 30.04.1989 provided under the Amnesty Scheme.

Having heard learned counsel for the parties, I am of the

opinion that once the respondents themselves had issued an Amnesty scheme inviting fresh applications on or before 30.04.1989, the pending application of the petitioner which was admittedly submitted before the said date, ought to have considered by the respondents on merits, instead of being rejected on the ground of delay. The impugned order dated 06.12.2016 rejecting the petitioner's application is hereby quashed. The matter is remanded back to the respondents to re-consider the petitioner's application dated 27.04.1989 on its merits, within eight weeks from today.

The writ petition is disposed of in the above terms with no order as to costs.

Needless to say that in case the petitioner is aggrieved by any order passed by the respondents, it will be open to the petitioner to take legal recourse permissible under law.

REKHA PALLI, J

MARCH 12, 2018

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