

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: August 14, 2018
+ **W.P.(C) 1460/2017 & CM 6488/2018**

HIRENDRA GUPTA Petitioner

Through: Mr. Gaurav Puri, Ms. Tanya
Chawla and Mr. Aditya Bali,
Advocates

Versus

LAND & BUILDING DEPARTMENT AND ORS Respondents

Through: Mr. Ruchika Rathi, Advocate for
respondent-L&B
Mr. Sanjiv Rajpal and Ms.
Kawaljit Kaur, Advocates
respondent No.3

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

(ORAL)

1. In this writ petition, a mandamus is sought to respondents to consider the application of petitioner on urgent basis, in view of the scheme for providing developed residential plots in lieu of lands acquired for planned development of Delhi, as a Rehabilitation measure.

2. Learned counsel for petitioner submits that application (*Annexure-E*) filed by father of petitioner way back in the year 1983 has not been decided by respondent-DDA till date, despite Reminder of 18th May, 2015 (*Annexure-K*). The opposition to this petition by learned counsel for respondent-DDA is on the ground that death certificate of petitioner's father has not been filed. It is further pointed out by learned counsel for respondent-DDA that petitioner has filed this petition on the basis of a *Will* of 13th July, 2012 and that there is no description of the subject

property in the aforesaid *Will* relied upon by petitioner. It is also submitted by learned counsel for respondent-DDA that this petition is not only hit by delay and laches, but is also misconceived.

3. Upon hearing, I find that this petition has been belatedly filed. The application for allotment of alternate plot was made by petitioner's father way back in the year 1983. Another similar application was made by petitioner's father in August, 2011 i.e. after more than two decades. During the course of hearing, it was put to petitioner's counsel to furnish an explanation for the delay of two decades in pursuing the application (*Annexure-H*) for allotment of alternate land. It is pertinent to note that in the application (*Annexure-H*), request was made by petitioner's father to reopen his case. The application for allotment of alternate plot was made way back in the year 1983. This Court is constrained to note that the delay of two decades remains unexplained.

4. Supreme Court in *Pepsu RTC v. S.K. Sharma*, (2016) 9 SCC 206 has reiterated that denial of relief on the plea of delay and laches is justified in a case where there is no satisfactory explanation for the delay occasioned. In the instant case, there is no explanation at all for the delay occasioned. In the considered opinion of this Court, this petition is liable to be dismissed on the sole ground of delay and laches, without going into the factual aspect. Accordingly, this petition and the application are dismissed being hit by delay and laches.

(SUNIL GAUR)
JUDGE

AUGUST 14, 2018

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