

\$~

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

Date of Decision: 24.04.2018

+ **W.P.(C) 4085/2018**

LALIT KUMAR Petitioner

Through Mr.I.S.Dahiya, Adv.

versus

GOVT. OF NCT OF DELHI Respondent

Through Mr.Yeeshu Jain, Adv.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

REKHA PALLI, J (ORAL)

1. Vide the present petition, the petitioner impugns the decision taken by the respondent in its meeting held on 08.04.2016, whereby the petitioner's application for allotment of an alternate plot had been rejected.
2. Learned counsel for the petitioner submits that the petitioner's application had been rejected only on the ground of delay by holding that while the petitioner had received the compensation for the acquired land on 28.09.2004, he had submitted the application for allotment of an alternate plot only on 28.09.2005, which according to the respondent was beyond the prescribed time limit of one year. He further submits that being aggrieved by the said rejection, the petitioner made a representation dated 08.03.2018 to the respondent for reconsideration of his application, which has also remained unactioned till date.

3. Learned counsel for the petitioner further submits that the respondents have not only calculated the limitation in an erroneous manner but have also ignored another vital fact, that the petitioner had received compensation in respect of his other piece of land acquired by the Award no. 9/DC(N-W)/2004-05 only on 23.11.2004 and, thus, was entitled to submit an application till 24.11.2005. He, therefore, submits that the petitioner's application for allotment of an alternate plot submitted on 28.09.2005 could by no stretch of imagination be treated as time-barred.

4. Issue notice. Mr.Yeeshu Jain, learned counsel, accepts notice on behalf of the respondent and submits that, in view of the short controversy involved in the matter, he does not wish to file any counter affidavit.

5. Having considered the submissions made by the learned counsels for the parties, I am of the opinion that, without getting into the question whether the petitioner received compensation for his remaining land acquired vide Award no.9/DC(N-W)/2004-05 on 23.11.2004, thereby extending the period of limitation to 24.11.2005, it is even otherwise clear that the petitioner's application dated 28.09.2005 was submitted exactly within one year of the date of receipt of compensation by him.

6. In my view, the respondent was wholly unjustified in holding that the petitioner's application was time barred and, therefore, the rejection of the petitioner's application was wholly without application of mind.

7. Accordingly, the impugned decision of the respondent, whereby it rejected the petitioner's application on the ground that it was beyond the prescribed time limit of one year, is quashed and the respondent is directed to reconsider the petitioner's application on its own merits within eight weeks from today, in accordance with their policy.

8. It is made clear the respondents would not be entitled to reject the petitioner's application as being time barred.
9. The writ petition is disposed of in the above terms.

(REKHA PALLI)
JUDGE

APRIL 24, 2018/sr

