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IN THE HIGH COURT OF DELHI AT NEW DELHI

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LPA 496/2016

AJIT KUMAR MAHALWAL & ORS Appellants
Through Ms. Rubal Bansal, Adv.

versus

LAND & BUILDING DEPARTMENT & ANR Respondents
Through Mr. Yeeshu Jain and Ms. Jyoti
Tyagi, Advs. for R-1.
Ms. Manika Tripathy Pandey,
Mr. Ashutosh Kaushik and
Ms. Raveena Tandon, Advs. for
DDA.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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12.02.2018

The appellant's grievance is that his writ petition claiming a direction for allotment of an alternative plot was rejected. The facts are that the appellant's father was paid compensation towards the land acquired by the respondents sometime in 1989; he applied for allotment of an alternative plot on 25.4.1989. Apparently, the respondents sought certain addressed queries through a letter on 13.4.1993. The appellant urges that his father addressed those queries through reply dated 30.4.1993, after which nothing was heard. With these pleadings, he approached the Court.

Ld. Single Judge considered the respondents version, which was that no reply was received which led to the rejection of the application for allotment of alternative plot on 25.5.1993, which was known to the appellant's father during his lifetime. Ld. Single

Judge was of the opinion that the appellant had approached the Court belatedly.

Learned counsel for the appellant highlights that many representations were made - in April, 1993 and subsequently, in April 1997, but, the Land and Building Department did not respond. It is contended that till the writ petition was filed, neither the appellant nor his father were aware that the request for alternative plot was rejected.

This Court has considered the copies of the representations/letters. The only letter which bears some acknowledgement is the one dated 30.4.1997. The Id. Single Judge observed that the appellant had approached the Court belatedly much after his father had died i.e. after 22 years and after the death of his father in 2005. Having regard to the conspectus of the circumstances and also after having considered the official records, the Court is of the opinion that the Single Judge's conclusions on this aspect are not erroneous. Plainly, the appellant or his father could have approached this Court much earlier - even assuming that the department did not respond to their queries within reasonable time. For these reasons, the appeal is dismissed.

S. RAVINDRA BHAT, J

A. K. CHAWLA, J

FEBRUARY 12, 2018

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