

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

% *Date of decision: 26th November, 2018*
+ LPA 587/2016

SUDHIR UDAR

..... Appellant

Through: Mr. Raghuvinder Godara, Adv.

versus

LAND & BUILDING DEPARTMENT

..... Respondent

Through: Mr. Yeeshu Jain, Standing Counsel

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

V. KAMESWAR RAO, J. (ORAL)

1. This Intra-Court appeal has been filed by the appellant challenging the order dated July 15, 2016 passed by the learned Single Judge in W.P.(C) No. 5399/2016, whereby the learned Single Judge has dismissed the writ petition.

2. The facts as noted from the record are that, it was the case of the appellant before the learned Single Judge that his land measuring 8 Bighas and 4 Biswas was acquired vide Award No.26/2002-2003 by the Land Acquisition Collector, South - West District, Dwarka, New Delhi. On December 9, 2002, compensation was received by him from the Department

amounting to ₹ 36,03,026/-. It was his case that on February 04, 2015 he had approached the respondent i.e. Land and Building Department for accepting his application along with the requisite documents for allotment of an alternate plot. However, his application was not accepted.

3. The stand of the respondent before the learned Single Judge was that there has been an inordinate delay on the part of the appellant to approach the department for alternate plot as his land was acquired way back in the year 2002 and also he had received the compensation from the Land Acquisition Collector in the same year. In substance, it is their case that after 13 years, the application is not maintainable. Reliance was placed by the respondent on the judgment of this Court in the cases reported as **86 (2000) DLT 505 titled as Smt. Sundari Bala Vs. Lt. Governor & Ors.** and **192 (2012) DLT 368 titled as Govt. of NCT of Delhi vs. Jagdish Singh.**

4. The learned Single Judge had noted that in **Smt. Sundari Bala (supra)** this Court has rejected a similar plea made by the petitioner in that case after a period of 13 years.

5. The learned Single Judge noted that in **Jagdish Singh (supra)**, it was held that the purpose of a scheme of allotment of an

alternate house is to give succor for those persons, whose lands were acquired and on this deprivation, they have become homeless or need a house in the city. Such persons have to file an appropriate application within time and to avail their legal remedy in the absence of which no relief could be granted. The learned Single Judge applying the ratio in both the cases, rejected the writ petition.

6. The learned counsel for the appellant made similar arguments before us. His plea is also, the appellant could not make the application for allotment because of ill health. We are not impressed with the submission made by the learned counsel for the appellant. Firstly, the medical prescriptions annexed by the appellant clearly suggest, the same are of Mrs. Nisha Udar, the wife of the appellant of the year 2003. Even the prescriptions with regard to the appellant, the same are of the years 2002, 2004, 2005 and 2007. There is no explanation for the period after 2007. Even the prescriptions annexed by the appellant do not repose any confidence. Further, such a case has not been set up before the learned Single Judge. In the given facts, an application having been made after 13 years, surely is, after much delay. The purpose of the Scheme is to provide succor to a person, who has been made

landless, by allotting him an alternate plot. In the facts of this case, we are of the view that the learned Single Judge was justified in dismissing the writ petition.

7. The appeal is without any merit, the same is dismissed. No costs.

V. KAMESWAR RAO, J

CHIEF JUSTICE

NOVEMBER 26, 2018/ak



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