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

+ **W.P.(C) 10969/2016**

PREM SINGH Petitioner

Through: **Mr.I.S. Dahiya, Adv.**

versus

GOVT. OF NCT OF DELHI Respondent

Through: **Mr.Yeeshu Jain with Ms.Jyoti Tyagi,
Advs.**

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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12.03.2018

Vide the present petition, the petitioner has prayed for quashing of the minutes of the meeting dated 08.04.2016 and letter dated 25.07.2016 whereby the petitioner's case for grant of alternate plot has been rejected on the ground that the application for the same was made beyond the prescribed time limit of one year.

Learned counsel for the petitioner submits that the petitioner's father had received the compensation of the acquired land on 23.09.2004 and had submitted an application for alternate plot in lieu of the acquired land on 19.09.2005, which was forwarded to the concerned Department on 28.09.2005, which was only 5 days beyond the prescribed limit of one year from the date of receipt of compensation.

Learned counsel for the petitioner submits that the said ground

taken by the Recommendation Committee is erroneous and contrary to record. He draws my attention to a receipt dated 19.09.2005 whereby the petitioner's father had submitted an application for allotment of alternate plot.

By placing reliance on the 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)***, he submits that in any event, this Court has already held that the time limit as set out in the public notices issued by the respondent cannot be treated as final and therefore, contends that even if it is taken that the application for allotment of alternate plot was actually forwarded to the concerned respondent only on 28.09.2005, there being a delay of only 5 days, the same ought not to have been rejected on the same ground of delay.

A perusal of the counter affidavit shows that the respondents have not dealt with the specific averments of the petitioner that the application was submitted by him on 19.09.2005 itself and thus the plea of the respondents that the application was received by the concerned department only on 28.09.2005 cannot be accepted and the delay, if any, in forwarding of the petitioner's application cannot be attributed to him since the receipt annexed with the petition clearly shows that the said application was duly submitted in the office of Land and Building Department (Alternate Plot) vide diary No.1424 on 19.09.2005. In any event, in light of the decisions of this Court in the aforesaid two cases even if there was a delay of 5 days on the part of the petitioner in submitting the application, as is sought to be

contended by the respondents, the rejection of the petitioner's application especially after a lapse of almost 11 years on the ground of delay, was wholly unwarranted. The decision taken by the Recommendation Committee on 08.04.2016 qua the petitioner's application is liable to be quashed and is accordingly quashed. The letter dated 25.07.2016 communicating the said decision also cannot be sustained.

The writ petition is allowed with a direction to the respondents to reconsider the application of the petitioner within eight weeks from today by taking a considered decision on the same.

It is made clear that the respondents will not be entitled to reject the same on the ground of delay.

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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