

\$~95

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

+ LPA 623/2018

SHRI JAI BHAGWAN Appellant
Through: Mr. Naresh K. Daksh, Advs.

versus

GOVT. OF NCT OF DELHI Respondent
Through: Mr. Yeeshu Jain, Standing Counsel
with Ms. Jyoti Tyagi, Adv.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE V. KAMESWAR RAO

% **ORDER**
02.11.2018

CM APPL. 46170/2018 (*exemption*)

Allowed, subject to just exceptions.

CM APPL. 46171/2018 (*condonation of delay in re-filing*)

In view of the reasons stated in the application, delay in re-filing the appeal is condoned.

Application stands disposed of.

LPA 623/2018

1. Seeking exception to an order passed by the writ court on 23.08.2018 in W.P.(C) 8488/2018, this appeal has been filed under Clause 10 of the Letters Patent.

2. Appellant's father late Shiv Charan had filed an application for allotment of an alternate plot in lieu of the acquired land. The application

was filed in the year 1982. The consideration of the application was deferred on account of pending litigation but finally the application was rejected. After the land acquisition proceedings, possession of the land was taken over in the year 1987 and an application filed by Shiv Charan s/o Chhotu Ram was dismissed way back in the year 1987 as entitlement for allotment was that of Chhotu Ram. Learned writ court considered various aspects of the matter and finding there to be inordinate delay of more than 3 decades the application has been rejected.

3. Taking note of the fact and circumstances of the case and the inordinate delay as is evident from the material available on record, we find that the application filed by Shiv Charan was also rejected in the year 2012. The writ petition and review applications were also dismissed in the year 2016 and on 04.09.2017. The learned counsel for the petitioner submitted that in view of these facts there was no delay.

4. In our considered view with regard to a right claimed after acquisition of land, possession of which was taken over in the year 1987, making indulgence into the matter now after such a long period of time is not permissible. The rejection of the application on the consideration as is indicated by the learned writ court does not call for any interference.

5. The appeal is dismissed.

CHIEF JUSTICE

V. KAMESWAR RAO, J

NOVEMBER 02, 2018

kks