

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

% Date of decision: 26th October, 2018

+ LPA 605/2018, CM Nos. 44443-44445/2018

GOVT OF NCT OF DELHI

..... Appellant

Through: Mr. Yeeshu Jain, Standing Counsel
with Ms. Jyoti Tyagi, Adv.

versus

DALEL SINGH & ANR

..... Respondents

Through: Mr. Arun Birbal and Mr. Sanjay Singh,
Adv. for respondent / DDA.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

V. KAMESWAR RAO, J. (ORAL)

CM. No. 44445/2018 (for exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

CM. No. 44443/2018 (for delay)

This is an application filed by the applicant / appellant seeking condonation of 337 days delay in filing the appeal.

For the reasons stated in the application, delay of 337 days in filing the appeal is condoned.

Application stands disposed of.

LPA. No. 605/2018

1. This appeal has been filed by the appellant challenging the order dated 23rd October, 2017 passed by the learned Single Judge in W.P.(C) 469/2017, whereby the learned Single Judge has allowed the writ petition and directed the condonation of one day delay in filing the application seeking allotment of alternate plot by the respondent no.1 herein.

2. Learned Single Judge has relied upon the judgment in the case of ***Rattan Singh v. Union of India and Ors. W.P.(C) 1967/87***, wherein it was held that if the petitioner (in that case) entitled to the allotment of alternate plot of land, then merely on the ground of any alleged delay on his part, he should not be deprived of his right. We note even the Coordinate Bench of this court has decided the issue in ***LPA's 138/2017 and 139/2017 titled as GNCTD v. Sanjay and Ors.*** In the said appeals, there was delay of four months and seven days over and above one year prescribed for making application for alternate plot. The delay was condoned by the learned Single Judge and the Division Bench upheld that order. The judgment in the case of ***GNCTD v. Sanjay and Ors. (supra)*** was followed by the Division Bench in yet another appeal being ***GNCTD (through Secretary, Land and Building Department) v. Vijay Singh and Ors., LPA 188/2017*** decided on 22nd March, 2017, wherein delay of one month over and above one year was condoned.

3. In view of the consistent view by the Coordinate Bench of this court and the delay of four months and seven days was

condoned, the learned Single Judge was justified in condoning the one day delay in filing the application.

4. Accordingly, we do not see any merit in the appeal, the same is dismissed.

CM. No. 44444/2018 (for Stay)

Dismissed as infructuous.

V. KAMESWAR RAO, J

CHIEF JUSTICE

OCTOBER 26, 2018/jg



नस्यमेव जयते