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

+ W.P.(C) 891/2018

MEWA SINGH

..... Petitioner

Through: Mr Satinder Singh and Mr Robin
Bansal, Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Ms Anjum Javed, Addl. Standing
Counsel and Mr Devender Kumar,
Advocate for R-2 & 3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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31.01.2018

CM No. 3779/2018

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The petitioner has filed the present petition, *inter alia*, impugning a communication dated 16.08.2016 rejecting the petitioner's application for compensation, *inter alia*, on the ground that now there is no mechanism to ascertain the extent of damage suffered by the petitioner and hence, the claim cannot be processed.
4. The petitioner claims to be a victim of 1984 riots that occurred in the

wake of the assassination of Late Smt Indira Gandhi, the then Prime Minister of India. The petitioner claims that at the material time, he was operating a factory of Auto parts at Industrial Plot No. N-17A, Gali No. 9, Anand Parbat, Industrial Area, New Rohtak Road, New Delhi-110005 under the name and style of M.S. Industries (Regtd.). He states that the said premises were vandalized by a mob and the factory premises were burnt and looted. Consequently, on 07.11.1984, the petitioner filed a written complaint with the SHO, PS Patel Nagar, New Delhi.

5. The petitioner states that he left Delhi in the year 1985 since he did not have the means to recommence the business from the said premises. He claims that he returned back to Delhi in the year 2006 and filed an application dated 22.09.2006 for an *ex gratia* relief.

6. Although the learned counsel appearing for the petitioner states that he was continuously following up with the authorities for processing his complaints, no such averments have been made in the petition.

7. The petitioner claims that he once again filed an application on 25.11.2013 with the Deputy Commissioner (West), Delhi for grant of *ex gratia* relief for damaged/uninsured commercial properties. The said application has been rejected by an order dated 16.08.2016, which is impugned in the present petition. The above facts indicate that the present petition is hopelessly delayed.

8. There is no material on record to show that the petitioner had pursued with his application filed in September 2006. Plainly, if the *ex gratia* compensation was not disbursed to the petitioner pursuant to his application

dated 22.09.2006, it was open for the petitioner to take appropriate steps at the material time. The impugned communication indicates that one of the principal reasons for rejecting the petitioner's application is that currently there is no mechanism to ascertain the extent of damage suffered by the petitioner.

9. It is also indicated that had the petitioner been awarded any *ex gratia* payment in terms of the earlier guidelines, the petitioner could have applied for an enhanced compensation. Indisputably, the claim for an enhanced compensation could be awarded based on the loss ascertained earlier; however, at this stage, ascertaining the loss may not be possible.

10. The petition is plainly barred by laches, as it is no longer feasible to assess the damage suffered by the petitioner. Thus, this Court finds no infirmity with the order passed by the respondent.

11. The learned counsel appearing for the petitioner also referred to the decision of a Coordinate Bench of this Court in ***Harjeet Singh v. Union of India and Ors.: W.P.(C) 8164/2007, rendered on 09.05.2013*** in support of his contention. He submitted that the facts of the said case were identical to the facts of the present case and similar orders ought to be passed in this petition.

12. The aforesaid contention is also unpersuasive. A plain reading of the decision in ***Harjeet Singh*** (*supra*) indicates that the petitioner therein had applied for enhanced compensation on 13.09.2006, which was rejected for same reason that no relief was provided to the said petitioner in the past. This led the petitioner (in that case) to immediately move this Court by way

of a writ petition and a notice was issued on 05.11.2007. In the present case, the petitioner has moved this Court after a lapse of over eleven years since he filed his initial application. This delay is plainly fatal to the petitioner's remedy.

13. In view of the above, the present petition is dismissed.

VIBHU BAKHRU, J

JANUARY 31, 2018
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