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

Date of decision : 4th September, 2019

+ LPA 294/2019

SUSHIL JINDAL

..... Appellant

Through: Mr. N.S. Dalal, Mr. Paramveer
Dalal and Mr. D.P. Singh,
Advts.

Versus

LAND & BUILDING DEPARTMENT Respondent

Through: Attendance slip not given

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

04.09.2019

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D.N. PATEL, CHIEF JUSTICE (ORAL)

CM APPL. 20744/2019(DELAY OF 14 DAYS IN FILING LPA)

For the reasons stated in the application, 14 days delay in filing the Letters Patent Appeal is condoned. Application is allowed and disposed of.

LPA 294/2019

1, This Letters Patent Appeal has been preferred by the appellant (original petitioner), whose WP(C) No. 2538/2019 was dismissed by the learned Single Judge vide judgment and order dated 13th March, 2019.

2. Having heard learned counsel for the appellant (original petitioner) and looking to the facts and circumstances of the case, it

appears that the appellant seeks allotment of the alternative residential plot in lieu of the land acquired from the appellant.

3. Application for allotment of the alternative residential plot was filed by the appellant on 24th April, 1989 and the writ petition being W.P.(C) 2538/2019 was preferred in the year 2019. There was an inordinate delay of about 30 years in filing the writ petition. On the grounds of delay and laches, the said writ petition was dismissed by the learned Single Judge.

4. In **Baljeet Singh(Dead) through Lrs. And ors v. State of U.P. (MANU/SCOR/23812/2019)**, where there was a delay of about 21 years in preferring a Special Leave Petition before the Hon'ble Supreme Court, the three judge bench of the Hon'ble court, through Justice M.R. Shah, held thus:

“8. In those cases, where the period of limitation is prescribed within which the action is to be brought before the court, if the action is not brought within that prescribed period, the aggrieved party loses remedy and cannot enforce his legal right after the period of limitation is over, however, subject to the prayer for condonation of delay and if there is a justifiable explanation for bringing the action after the prescribed period of limitation is over and sufficient cause is shown, the court may condone the delay It is not that in each and every case despite the sufficient cause is not shown and the delay is not properly explained, the court may condone the delay. To make out a case for condonation of delay, the applicant has to make out a sufficient cause/reason which prevented him in initiating the proceedings within the period of limitation.

Otherwise, he will be accused of gross negligence. If the aggrieved party does not initiate the proceedings within the period of limitation without any sufficient cause, he can be denied the relief on the ground of unexplained laches and delay and on the presumption that such person has waived his right or acquiesced with the order. These principles are based on the principles relatable to sound public policy that if a person does not exercise his right for a long time then such right is non-existent.”

(Emphasis supplied)

5. In view of these facts, and the rationale in **Baljeet Singh** (*supra*) and also looking to the fact that the appellant has failed to put forth, any reasonable explanation, whatsoever, for the inordinate delay and laches of 30 long years in filing the writ petition, We find that no error has been committed by the learned Single Judge in dismissing W.P.(C) No. 2535/2019 vide judgement and order dated 13th March, 2019. Hence, there is no substance in this Letters Patent Appeal. We are in full agreement with the reasons given by the learned Single Judge.

5. Hence, this Letters Patent Appeal is hereby dismissed.

CHIEF JUSTICE

C.HARI SHANKAR, J.

SEPTEMBER 04, 2019

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