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

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Judgment delivered on: 07.05.2019

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W.P.(C) 6900/2008

SAVITRI DEVI

..... Petitioner

Through: Mr. Lalit Kumar and Mr. Manoj Yadav,
Adv.

Versus

GOVT. OF N.C.T. OF DELHI & ANR.

..... Respondent

Through: Mr. Sanjay Kumar Pathak, Mr. Sunil
Kumar Jha and Mr. M.S. Akhtar, Adv. for R-
1/GNCTD.

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W.P.(C) 6674/2011

PIRYAVART

..... Petitioner

Through: Mr. Lalit Kumar and Mr. Manoj Yadav,
Adv.

Versus

GOVT. OF NCT OF DELHI

..... Respondent

Through: Mr. Sanjay Kumar Pathak, Mr. Sunil
Kumar Jha and Mr. M.S. Akhtar, Adv. for R-
1/GNCTD.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J (Oral)

CM APPL. 45392/2018 in W.P.(C) 6900/2008; and
CM APPL. 43889/2018 in W.P.(C) 6674/2011

1. For the reasons mentioned in the applications, the applications are allowed and the appeals are restored to their original numbers and stage.
2. The applications stand disposed off.

W.P.(C) 6900/2008 & W.P.(C) 6674/2011

3. The petitioner had applied for allotment of an alternate plot of land in lieu of acquisition of her land for public purpose. An application in this regard was made by the husband of the petitioner in 1979 which was closed by a communication dated 07.10.1982 and thereafter a subsequent application made in 1989 by his widow/petitioner was disposed off on 03.01.1992 and was stated to have been duly communicated to the petitioner herself.
4. The counter-affidavit of the government/respondent, to the effect that the aforesaid petitioner was duly communicated of the disposal of her application, has not been disputed in the rejoinder affidavit filed by the petitioner.
5. The petitioner now seeks reopening of the case on the basis of letters written to the respondents on 24.01.2000, 28.03.2003, 14.09.2002, 26.10.2004, 08.02.2005, 30.06.2005, 09.08.2005, 04.08.2008 and lastly on 25.08.2008.
6. It is the silence of the respondent/State on these letters/representations that has constrained the petitioner to approach this Court.
7. Mr. Sanjay Kumar Pathak, the learned Standing Counsel for the respondent submits that there is a delay of 36 years and 29 years in filing of the petitions from the date of the closure of the first two applications in the year 1982 and 1992, respectively.

8. The learned counsel for the petitioner submits that there is no closure of the case because the application should have either been rejected or allowed. The Court does not find the said argument to be tenable because when the case is closed without granting any relief to the applicant, it would be deemed to have been rejected. When there is no specific/prescribed language for rejection of an application, it is the essence of the message that has to be seen. The subsequent representation of the petitioner seeks to re-open the matter which already stood determined against her. However, the petitioner seeks to rely upon the dicta of a Division Bench of this Court in ***Govt. of NCT of Delhi vs. Smt. Veerwati*** [LPA 101/2010, at page 87 of this appeal, decided on 07.03.2012] wherein even after rejection of the case, it was reopened. Mr. Pathak the learned counsel for the State states that the facts of this case are such that the aforesaid judgment would not be of any benefit to the petitioner. In ***Veerwati*** (supra), the petitioner had requested for reopening of her case, which had been considered and rejected on 15.01.2007 and 26.02.2007. She filed a writ petition immediately thereafter in May, 2007. Therefore, the Court had held that that writ petition did not suffer from delay and laches. Furthermore, the applicant had applied for allotment of 250 square yds. of land and had completed all formalities, nevertheless certain irrelevant queries were raised in December, 1994 as to whether she was a recorded owner of the land. It was her case that her father was the recorded owner and the government was at fault for keeping the appeal pending for all those years. The government had placed reliance on an earlier order having been passed on 11.10.1998.

9. In the present case, the petitioner did not impugn the two letters of closure of their case in the year 1989 and 1992. They cannot be equated

with *Veerwati* (supra) wherein that petitioner had challenged the rejection order within one month of it being passed. The delay of 36 years and 29 years in filing of the present case is unexplained. The petitions suffer from laches and are without merit and are accordingly dismissed.

NAJMI WAZIRI, J

MAY 07, 2019/acm

