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

+ W.P.(C) 192/2018

PREM LATA

.... Petitioner

Through Mr.Naresh K. Daksh, Adv.

versus

GOVT. OF NCT OF DELHI

..... Respondent

Through Ms.Ruchika Rathi and Ms.Sanya Dua,
Adv.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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22.01.2020

1. This petition is filed by the petitioner seeking to impugn the order/rejection letter dated 27.11.2013 rejecting the application of the petitioner for an alternative plot on the ground of the same being barred by limitation/delay.
2. The case of the petitioner is that the agricultural land in Village Aali, P.O. Badapur, New Delhi belonging to Sh. Dhani Ram was acquired by the respondent. Possession was taken over on 03.09.997 and 31.10.1997. Compensation was paid on 11.11.1997 and 14.12.1999.
3. In terms of the Rehabilitation Policy, Sh.Dhani Ram prepared an application for allotment of an alternate plot. However, before the application could be filed, he expired on 16.12.2000. The son of Sh. Dhani Ram, namely, Sh.Govind Singh submitted the application on 18.01.2001. By

the impugned order, the respondent had rejected the application stating it to be filed beyond the time limit of one year from the date of receipt of compensation. The order states that the compensation was received on 14.12.1999 whereas the application for allotment of alternative plot was submitted on 18.01.2001 i.e. beyond the period of one year.

4. I have heard learned counsel for the parties.

5. Learned counsel for the respondent has pointed out that the application was filed for alternative plot in the name of Sh. Dhani Ram after he had already expired on 16.12.2000. Hence, it is pleaded that apart from the fact that there is delay in filing of the application, the same has been filed on behalf of a dead person and hence, is not maintainable.

6. A perusal of the impugned order dated 27.11.2013 would show that the only ground on which the application was rejected is that it is beyond the prescribed time limit of one year. There is no other ground stated in the impugned order.

7. I may note that the compensation was received by Late Sh. Dhani Ram on 11.11.1997 and 14.12.1999. He could apply for alternative plot within one year i.e. by 13.12.2000. He expired on 16.12.2000. The son of Sh.Dhani Ram applied on 18.01.2001. There is hence at best, a delay of about 34 days in filing the application.

8. In my opinion, there are sufficient grounds to condone the delay in filing of the application. This is so as Sh. Dhani Ram admittedly died on 16.12.2000. A perusal of the application filed by Late Sh. Dhani Ram shows that it is accompanied by an affidavit which was signed on 25.09.2000. Meaning thereby, during his lifetime Sh. Dhani Ram had prepared the application but the same could not be filed within the time period on account

of his death. I may also note that as per the affidavit Sh. Dhani Ram was aged 90 years.

9. Keeping in view these facts, i.e. the old age of Sh.Dhani Ram and his death, there are sufficient grounds for the respondent to have condoned the delay in filing the application.

10. Regarding the plea that the LR's had filed the application after Sh.Dhani Ram died, these are issues which have not been dealt with by the respondent while rejecting the application. Same is now being urged only as an afterthought and cannot be accepted.

11. In these circumstances, I quash the order dated 27.11.2013 and remand the matter back to the respondent. The concerned Department/Secretary, Land and Building may consider the application of the petitioner as per law within three months from today.

12. The petition stands disposed of.

JAYANT NATH, J

JANUARY 22, 2020

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