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

+ **W.P.(C) 13157/2024**

RANJU JAIN

.....Petitioner

Through: Mr. Saket Sikri, Mr. Aman Vachher,
Mr. Ashutosh Dubey, Mr. Dhiraj, Mr. Abhiti
Vachher, Mr. Akshat Vachher, Mr. Amit Kumar,
Mr. J. Chaudhary and Mr. Ajay Pal, Advocates.

versus

THE GOVT. OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Sanjay Kumar Pathak, Standing
Counsel with Ms. K.K. Kiran Pathak, Mr. Sunil
Kumar Jha, Mr. M.S. Akhtar and Mr. Mayank
Madhu, Advocates for Respondents No.1, 2 and 3.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

19.09.2024

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CM APPL. 54967/2024

1. Exemption allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 13157/2024 and CM APPL. 54966/2024

3. This writ petition has been preferred on behalf of the Petitioner under Article 226 of the Constitution of India seeking quashing of order dated 01.02.2021 passed by the Recommendation Committee whereby Petitioner's application for allotment of alternate plot has been dismissed.
4. Facts to the extent necessary for adjudication of this petition are that Petitioner was owner of plot bearing Khasra No.50/24 min (1-04) land



measuring 1 Bigha and 04 Biswas situated in the revenue estate of Village Pehlad Pur Banger, Delhi. Petitioner purchased the said plot from Surat Singh and Bhim Singh, S/o Sh. Molar and Pradeep Kumar, Jagdip Kumar and Aman Deep S/o Sh. Subh Ram, all residents of the said village, vide registered Sale Deed dated 30.04.1991. On 21.03.2003, Respondents issued a Notification under Section 4 of Land Acquisition Act, 1894 ('LAC Act') and on 19.03.2004, a declaration was made under Section 6 of LAC Act for permanent acquisition of land measuring 2026 Bighas 18 Biswas in Village Pehlad Pur Banger for Rohini Residential Scheme under planned development of Delhi which included the land of the Petitioner.

5. It is averred in the writ petition that pursuant to the aforesaid Notification, notices under Sections 9 and 10 of LAC Act were issued to interested persons and notice under Section 50 of LAC Act was issued to the Requisitioning Department. Petitioner also filed her claim before the Land Acquisition Collector, District North West, Kanjhawala, Delhi. On 12.07.2005, an Award No.6/2005 was announced under Section 11 of LAC Act and possession of the entire acquired land was taken over between 26.08.2005 and 31.08.2005 by Land Acquisition Collector. As per the Petitioner, she was paid compensation of Rs.6,19,160/- on 27.09.2005.

6. It is stated that on account of the acquisition of his land, Petitioner applied on 02.05.2006 for allotment of alternate plot and vide letter dated 18.02.2019, Respondents asked the Petitioner to submit requisite documents within 15 days and called upon her for a personal hearing before the Recommendation Committee on 06.03.2019. All requisite documents were submitted by the Petitioner on 10.06.2019 in the office of the Respondents under due acknowledgement. By another letter dated 11.07.2019, Petitioner



was again asked to submit documents, which she did. The Recommendation Committee by order dated 01.02.2021 rejected the claim of the Petitioner on the ground that she was not interested in pursuing the matter since she had not submitted the requisite documents despite two notices to her and one public notice dated 23.08.2018 which was published in two Dailies in Hindi and English.

7. Issue notice.

8. Mr. Sanjay Kumar Pathak, learned Standing Counsel accepts notice on behalf of the Respondents.

9. Learned Standing Counsel for the Respondents takes an objection to the maintainability of the petition on ground of delay and laches. He seeks to justify the impugned order on the ground that despite being put to notice, Petitioner failed to furnish the requisite documents and therefore, no infirmity can be found with the impugned order rejecting the application for allotment of alternate plot.

10. Heard learned counsel for the Petitioner and learned Standing Counsel for the Respondents.

11. Insofar as the objection of delay and laches is concerned, in my view, the same merits rejection. There can be no quarrel with the proposition of law that parties who are guilty of delay and laches are not entitled to seek relief from the Court even if they may have a good case on merit, save and except, in exceptional circumstances. In order to seek relief from the Court, a litigant must be vigilant in pursuing his claim at the right time. However, chronology of dates in the present case does not support the stand of the Respondents that there are delay and laches. Petitioner's land was acquired in 2005 and she was paid compensation in 2006. On 02.05.2006, Petitioner



applied for allotment of alternate plot. It was after 13 years that Respondents called upon the Petitioner to submit requisite documents vide letter dated 18.02.2019, which the Petitioner did on 10.06.2019. Not satisfied, Respondents again called upon the Petitioner vide letter dated 11.07.2019 to furnish the documents and as the averments in the writ petition read, Petitioner again submitted some documents. After this, there was no correspondence between the parties and Mr. Pathak is unable to point out any letter by the Respondents hereafter pointing out any deficiency in the documents and on 01.02.2021, the Recommendation Committee rejected the application of the Petitioner. Petitioner avers that after receiving the impugned order, she visited the office of the Respondents even though it was COVID time and was assured that the documents were given but on account of the Pandemic COVID-19, they were mixed up with other documents and that the office will ensure that they are traced out and remedial action is taken in favour of the Petitioner. However, when no corrective action was taken, Petitioner approached this Court. Therefore, this Court does not agree with the Respondents that Petitioner was not vigilant in prosecuting her case and/or there is any delay.

12. Insofar as the impugned order is concerned, the only ground on which application of the Petitioner has been rejected for alternate plot is that Petitioner did not furnish the requisite documents. Petitioner argues that all requisite documents as sought for on 18.02.2019 were furnished in the office of the Respondents on 10.06.2019 and thereafter again pursuant to letter dated 11.07.2019. Petitioner is right in her submission that thereafter no letter was received by her pointing out the deficiency in the documents which are required to be submitted. Even today, Respondents are unable to



point out which of the documents enumerated in the letters dated 18.02.2019 and 11.07.2019 have not been submitted by the Petitioner.

13. In these circumstances, this writ petition is disposed of with a direction that Petitioner shall meet the Sub-Divisional Magistrate (HQ), North/Respondent No.3 on 28.10.2024 at 02:30 P.M. and she will be informed in writing of the documents that are required to be furnished, to make up the deficiency, if any. The documents so required and if not already furnished will be submitted by the Petitioner within three weeks thereafter and the Recommendation Committee will re-consider the case of the Petitioner for allotment of alternate plot in accordance with the Scheme in question. The Committee shall take a decision within six weeks from the date of submission of the documents as required. In case the Committee decides in favour of the Petitioner, the matter will be processed further for allotment of the plot. In case the Committee, for any reason, decides otherwise, a reasoned and speaking order shall be passed which shall be communicated to the Petitioner within two weeks from the date of the decision and in that event, Petitioner will be at liberty to take recourse to legal remedies, if so advised. Pending application also stands disposed of.

JYOTI SINGH, J

SEPTEMBER 19, 2024

B.S. Rohella/shivam