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

% Judgment delivered on: 25.02.2021

+ W.P.(C) 2589/2021

KHUBI RAM SHARMA

..... Petitioner

versus

LAND AND BUILDING DEPARTMENT, THROUGH ITS
SECRETARY LAND AND BUILDINGRespondent

Advocates who appeared in this case:

For the Petitioner: Mr. N.S.Dalal, Advocate (through Video Conferencing).

For the Respondent: Ms. Jyoti Tyagi, Advocate for Mr. Yeeshu Jain, Standing Counsel for R-1 (through Video Conferencing).

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns the letter dated 24.09.2020, whereby the representation of the petitioner seeking allotment of the alternative plot in lieu of acquired land, has been answered by stating that his application already stands rejected.

2. The case of the petitioner is that land of the father of the petitioner was acquired in the year 1963. Respondent had come up with a public notice on 21st, 22nd and 23rd November, 1963 inviting applications by 15.12.1963 for allotment of alternative plots from persons whose land was acquired upto 15th November, 1963.

3. It is contended that the petitioner had made an application on 19.09.1980, since his father had expired.

4. It is contended by learned counsel for the petitioner that petitioner did not receive any information about the decision on the application and now the respondents are declining to consider the representation on the ground that the application already stands rejected.

5. The letter dated 24.09.2020 issued by respondent shows that under the policy for allotment of alternative plots, the application was to be filed by 15.12.1963.

6. The application was apparently filed by the petitioner in the year 1980 i.e. 17 years after the notice inviting applications. The letter dated 24.09.2020 also notes that the application was rejected and petitioner informed by letter dated 24.08.1982.

7. Learned counsel for the Petitioner submits that petitioner once again made an application on 15.12.2018.

8. First and foremost, the application was filed by the petitioner after a lapse of 17 years of the policy, which was rejected and petitioner allegedly informed by letter dated 15.12.1982. Thereafter, Petitioner gave a representation in the year 2018, i.e. after a lapse of 36 years of the rejection of his application. This is 54 years after the last date as per the policy of the Government.

9. In my view, this is a gross case of delay and laches.

10. Learned counsel for the respondent who appears on advance notice

relies on the decision of the Division Bench of this Court dated 03.07.2015 in *LPA No.112/2015* titled *Government of NCT of Delhi Vs. Jangli Ram and Ors.* wherein the Division Bench of this Court has dismissed a similar claim for allotment of an alternative land on the ground that there was a delay of 27 years.

11. In this case, the delay of 54 years which is more than double the delay which was in the case before the Division Bench.

12. Learned counsel for the petitioner further contends that everybody whose land was acquired was given an alternative plot.

13. The contention of the learned counsel for the petitioner; that everybody got an alternative plot and not the petitioner; further goes on to show that petitioner was purposely sleeping over his alleged rights. A person who continuously sleeps for 54 years cannot be permitted to now wake up and invoke the writ jurisdiction of this Court.

14. Consequently, petitioner in the given facts and circumstances is not entitled to invoke the jurisdiction of this Court under Article 226 of the Constitution of India on account of gross delay and latches.

15. The Petition is accordingly dismissed.

16. Copy of the order be uploaded on the High Court website and be also forwarded to learned counsels through email by the Court Master.

SANJEEV SACHDEVA, J

FEBRUARY 25, 2021

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