

(2009) 02 DEL CK 0249
In the Delhi High Court
Case No : Writ Petition (C) 630 of 2009

Smt. Kanta Devi	Vs	APPELLANT
Govt. of NCT Delhi and Others		RESPONDENT

Date of Decision : 02-02-2009

Acts Referred:

Citation : (2009) 02 DEL CK 0249

Hon'ble Judges : S. Ravindra Bhat, J

Bench : Single Bench

Advocate : Rajesh Ranjan, for the Appellant; Sanjay, for the Respondent

Final Decision : Dismissed

Judgement

S. Ravindra Bhat, J.—The petitioner seeks writ or direction to the respondents to consider her application for allotment of an alternative plot. The petitioner claims to be daughter of one Late Sohan, owner of 32 bighas and 14 biswa land, located in village Dhaka, acquired by Notification dated 13.11.1959. The petitioner claims the reliefs sought in this proceedings on the basis of a deed of relinquishment issued in her favour by the other legal heirs of Sohan on

2. The petitioner contends that though the land was finally acquired in 1963 and land owners were required at that stage to apply for allotment of alternative plot in terms of the Scheme evolved for such purpose in 1961, the land owner availed of a second opportunity granted for the purpose by the concerned authority in 1988. The petitioner has placed on record letter dated 3.11.1999 and 12.2.2001, to support the contention that the respondent authorities did not finally decide her application for allotment of an alternative plot. Learned Counsel also relied upon a Lieutenant Governor's communication to the concerned Minister recommending examination of the petitioner's request, for allotment by the appropriate Divisional Commissioner. In these circumstances, it is contended that the respondents' denial of the alternative plot is arbitrary and discriminatory.

3. The petitioner has relied on a judgment of this Court in Dharamveer Sharma v.

Govt. of NCT of Delhi W.P. 2675/95 decided on 3.1.2007 as well as the another decision in Simla Devi v. Secretary 140 (2007) DLT 474.

4. The letter dated 12.2.2001 which has been produced by the petitioner in support of these writ proceedings, reads as follows:

Government Delhi

Land & Building Department

(Alternative Branch)

Vikas Bhavan: New Delhi-110002

No. F.33(5)/14/89/L&B/Alt./15959 Dated 12.2.2001

To,

Smt. Kanta Devi

D/o Sh. Sohan Singh

72, Dhakka, Kingsway Camp

Delhi.

Subject:

Allotment of alternative plot.

Madam,

With reference to your representation dated 15.11.2000 addressed to Home Secretary, Ministry of Home Affairs, Government of India on the subject mentioned above, I am directed to inform you that your case was considered and rejected on the ground of being time-barred and rejection of the case was communicated to you vide this office letter dated 25.5.94.

Yours faithfully

Sd/-

Asstt. Housing Commissioner (Alt)

5. Apart from not placing on record the rejection letter dated 27.5.94, the petitioner has not adverted to the circumstances where the deceased Sohan, land owner in fact applied for alternative plot in the year 1988. Concededly, land was acquired finally in 1963. In terms of the Scheme, the land owner had to apply within a stipulated period. In this case, the request for rejection took place on 27.5.1994. There is no explanation on record why the petitioner did not approach the Court at that stage. The letter dated 12.2.2001 (extracted above) reveals that the petitioner was aware about the rejection of the application - for allotment in 1994 it self. In these circumstances, reliance is placed on further representations asking for a review as it were of the decision not to allot, in no

manner extended her right to be considered.

6. The Supreme Court has held that making repeated representations, by itself, would not extend the period of limitation, wherever applicable. By analogy repeated representations made in 1999 or 2001 did not by itself extend the period within which the petitioner could have sought her remedies. The reliance placed on the judgment in Simla Devi case (supra), in the opinion of the Court is not apt. There the rejection took place in 1999 and the Writ Petitioner approached the Court in the year 2004. Even the award in that case was announced on 19.12.1996. Similarly, the facts of Dharamveer Sharma (supra) were entirely different; the Writ Petition was filed in 1995. The allotment in that case had been granted in 1975, and withdrawn later in 1989.

7. For the above reasons, the Court is of the opinion that Petition was filed after an inordinate and unexplained delay. It is, therefore, suffers from laches, and should not, therefore, be entertained.

The Writ Petition is accordingly dismissed.