

THE HIGH COURT OF DELHI AT NEW DELHI

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Judgment delivered on :27.02.2007

+ **WP(C) No.1515/2007**

SMT MISHRO DEVI

...Petitioner

- versus -

**THE SECRETARY, LAND & BUILDING DEPARTMENT,
GOVERNMENT OF NCT OF DELHI & ANR**

...Respondents

Advocates who appeared in this case:

For the Petitioner : Mr Krishan Kumar

For the Respondent : None

CORAM:-

HON'BLE MR JUSTICE BADAR DURREZ AHMED

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether the judgment should be reported in Digest ?

BADAR DURREZ AHMED, J (ORAL)

1. By way of this writ petition, the petitioner has prayed that the petitioner be granted alternative allotment of plot and that the closure of the file by virtue of the letter dated 27.02.1992 in respect of her application for alternative plot be set aside.

2. The petitioner states that land to the extent of 15 bighas, 3 biswas, belonging to the petitioner situate in the revenue estate of village Karawal Nagar was acquired under Award No.16/83-84. Thereafter under the prevalent scheme, the petitioner applied for allotment of an alternative plot. It is stated

by the learned counsel for the petitioner that this application was made in 1983 and the petitioner being an illiterate widow residing in a village was unaware of the procedure to be followed with regard to the allotment of alternative plots. She waited all this while and expected that an allotment letter would be issued to her. Since the same was not the case, on 18.05.2005, she made an application to the Joint Secretary, Land and Building Department indicating that her case be processed and that a long time had elapsed since she had moved the application for alternative plot, but no response was received by her. On 16.06.2005, an application was also moved by her under the Delhi Right to Information Act to enquire about the status of her application for allotment of an alternative plot. By a letter dated 18.07.2005, the competent authority under the said Act informed her that, as conveyed to her vide letter No.F.30(39)/41/89/L&B/Alt./7311 dated 27.02.92, her case had been closed for want of documents. A copy of the letter dated 27.02.1992 was also enclosed with this letter of 18.07.2005. A reading of the letter dated 27.02.1992 indicates that the petitioner, in spite of repeated letters from the office had not submitted the documents / information and it is in the absence of such information that it was not possible to recommend her case for allotment of an alternative plot in lieu of the land acquired. By virtue of this letter, she was informed that her case had been closed. It is the case of the petitioner that the said letter of 1992 was not received by the petitioner in 1992 and only a copy was received by the petitioner alongwith the letter of competent authority in

2005, as mentioned above.

3. Be that as it may, the fact remains that the petitioner had moved an application in 1983 and had not bothered to enquire about the same till 2005. There is nothing to indicate that the petitioner was at all interested in the allotment of the land during these 18 years. The courts help citizens who are vigilant and not those who sleep over their rights. Eighteen years of unexplained delay and thereafter two years of further delay in approaching this court would definitely fall within the expression “laches”. It is on this ground that this writ petition is dismissed.

February 27, 2007
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BADAR DURREZ AHMED
(JUDGE)