

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

+ W.P.(C) 1723/2008

CHAMAN SINGH & ORS. Petitioner
Through Ms.Asha Jain Madan, Adv.

versus

UOI & ORS. Respondent
Through Mr.Gaurav Duggal, Adv. For UOI.
Mr.Harshit Agarwal for Mr.Rajiv Bansal, Adv. for DDA.
Mr.Mukesh Gupta for respondent no.2.

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA

ORDER

03.03.2008

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1. This is the second round of litigation.

2. The basic grievance of the petitioners/late Smt. Harnek Kaur is that she was illegally dispossessed in 1975 from a plot measuring 580 sq. yards situated in Village Hamayunpur, Tehsil Mehrauli, New Delhi, presently known as Arjun Nagar. The petitioners had earlier filed a writ petition bearing WP(C)No.16528-30/2004 rejecting their request for allotment of alternative land. Court noticed that the predecessor in interest of the petitioner, late Smt. Harnek Kaur was offered alternative plot in 1992 and 1993 but this was not accepted. By letter dated 11th June, 2004, DDA informed the petitioners that their mother had not availed of the offers made and therefore, their claim for allotment of alternative land stands rejected. The writ petition was dismissed on the ground of delay and laches. LPA No.997/2004 filed by the appellant was also dismissed inter alia

holding that cause arose on 6th August, 1992 or 25th June, 1993 and the petitioners had not bothered to approach the Court for nearly 10 years.

3. The petitioners thereafter filed a review application being RA No.123/2005, which was disposed of on 29.4.2005. The Court had observed that the LPA was dismissed after examining all contentions raised by the appellants, who are petitioners herein. Learned counsel for the appellants/petitioners herein had submitted that the petitioners may be considered for allotment of alternative land at current costs. The appellant/petitioners were permitted to file a representation with the respondent/DDA for allotment of alternative land at current pre-determined rates. The review application as disposed of accordingly.

4. The petitioners made a written representation, which was disposed of by DDA by letter dated 04.1.2006. This letter/written order dated 4th January, 2006 is now challenged in the present writ petition, which has been filed on 28.2.2008. The earlier orders passed by the respondents refusing to allot the alternative land are also challenged. The present writ petition is bad for delay and latches as impugned letter/speaking order dated 4th January, 2006 is being challenged after two years. I do not find any ground to interfere with the speaking order on merits and exercise my power of Judicial Review to quash the said order. In the speaking order dated 4th January, 2006, it is recorded that initially in 1979, the predecessor in the interest of the petitioners was offered alternative plot measuring 250 sq. mtrs. on leasehold basis in Safdarjung Development Area Scheme. This request was rejected by late Smt. Harnek Kaur on the ground that

she is entitled to a plot measuring 500 sq. mtrs. Later on Smt. Harnek Kaur was informed that she was eligible for allotment of plot at Dwarka or an SFS flat in Jasola (South Delhi) for which she can exercise her option. This was in accord with the policy decision taken by the DDA. The offer was rejected.

5. Subsequently by letter dated 25.06.1993, Smt. Harnek Kaur was allotted a plot measuring 209 sq. mtrs. at Dwarka. Smt. Harnek Kaur did not deposit any amount and the allotment was cancelled on 14.6.1994.

6. Yet another plot measuring 200 sq. mtrs. was allotted to Smt. Harnek Kaur by letter dated 13.2.1997. Late Smt. Harnek Kaur did not make payment and the said allotment was also cancelled. Finally, another chance was given to Smt. Harnek Kaur and a plot measuring 208.75 sq. mtrs. was allotted in Dwarka and intimation in this regard was sent by letter dated 13.8.2002. Smt. Harnek Kaur had by then expired but the petitioners did not make any representation for transfer of rights in their favour. The petitioners also did not make payment and allotment was accordingly cancelled by office letter dated 24.12.2003.

7. Looking into the facts stated in the letter dated 4th January, 2006 and the earlier orders passed by this Court, I do not find any merit in the present writ petition and the same is dismissed.

SANJIV KHANNA,J

MARCH 03, 2008

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