

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

+ W.P.(C) 99/2007

ANJALI MIRCHANDANI

..... Petitioner

Through : Mukesh Anand with Mr. Shailesh Tiwari,
Advocates

versus

D.D.A.

..... Respondent

Through : Mr. Yeeshu Jain, Advocate

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

ORDER

% 13.02.2008

The petitioner was registered in 1982 under the Self Financing Scheme. On 20th October, 1983 she was allocated a flat at Sarita Vihar. The file of DDA relating to the said period is missing. The petitioner, however, claims that she did not receive the allocation letter. It appears that in 1986 the petitioner for

the first time represented that she had not received allocation letter and the same may have been lost in transit. However, after writing letters in 1986 the petitioner became silent and stopped correspondence though it is alleged that on 23rd July 1989 one letter was written to the Lieutenant Governor. The purported letter dated 23rd July, 1989 does not indicate and mention the registration number, the scheme or any other details. There is no proof that the said letter was served or even sent to the Lieutenant Governor.

It is apparent that the petitioner maintained silence after 1986 and did nothing for another 10 years till 1996. On 9th April, 1996, the petitioner again sought to revive her claim to the allocation of flat made in 1983 at Sarita Vihar.

Paragraph 2 and 3 of the said letter reads as under :

“I understand that in the draw, i was declared successful to the allocation of flat SF+TF-Sec 1, PKT D, SARITA VIHAR, New Delhi. this I came to know through my father who happened to know from the DDA notice board.

On non-receipt of Demand cum allocation letter from DDA, I sent a reminder in February, 1984. As i did not receive the allotment all these years, many reminders were issued and personal visits were made during all these years.”

Paragraph 2 makes it apparent that the petitioner was aware of allocation of flat at Sarita Vihar in 1983 and her father had seen her name displayed on the DDA notice board.

It may be noted here that in the meanwhile the petitioner was allocated another flat at Kondli Ghoroli under the same registration in the Self Finance Scheme. The petitioner refused to accept the said allotment by her letter dated 29th December, 1990.

The petitioner also applied and was registered under the 6 & 6A Self Financing Scheme which was floated in the year 1991. She was allocated a flat in Jasola, which is near Sarita Vihar in the year 1992. The petitioner however, could not arrange for the money to pay installments and sought for extension of time. Extension of time was not granted and the allocation was cancelled on 18/8/92.

The petitioner also applied for a allotment of plot of land at Rohini. She has been allotted 60 sq.mts plot at Rohini. She has paid full consideration for the said plot.

Now, the petitioner wants to reagitate her claim over the flat at Sarita Vihar. The petitioner relies upon letter dt.10th February, 2000 which was written by the respondent stating that her request for allocation of flat in Block D category 3, Sarita Vihar which was allocated to her in 1983 has been examined and acceded to. This letter was withdrawn by the DDA on 1st October, 2002 and the petitioner was asked to apply for refund of the registration amount. DDA has explained in the counter affidavit the

circumstances under which letter dated 10th February, 2000 was issued and why it was withdrawn on 1st October, 2002. It appears that the petitioner had made representation which was examined by the Grievance Redressal Committee appointed by DDA and on the recommendation of the Committee, the letter was issued. However, a letter from the Dy. Director (Housing), DDA written on 29th April, 2003 clarifies that when the case was examined by the Audit Party as well as the Crime Branch, it was found that there was a delay of nearly 8 years and Grievance Redressal Committee had condoned the delay in gross violation of existing policies. Reference was also made to the fact that the petitioner had been allotted a flat at Kondli Ghoroli which she did not accept and had subsequently applied under a different Self Financing Scheme and was allotted flat at Jasola on 31st December, 1991. She had requested for extension of time to make payment but this was refused and the allocation was cancelled. It was specifically stated that the petitioner after cancellation of the said allocation had again sought to revive her claim in 1996 for allotment of Sarita Vihar flat allocated to her in 1983.

The present writ petition was filed in the year 2007 and the petitioner claims right to allotment of a flat at Sarita Vihar on the basis of allotment letter which was issued in the year 1983 and also seeks to rely upon the letter dated

10th February, 2000 which was withdrawn on 10th January, 2002. The petition itself highly belated and is liable to be dismissed on the ground of laches.

In view of the above facts, I do not think that the petitioner is entitled to allotment of a flat at Sarita Vihar on the basis of allocation made in 1983.

Petitioner will send details of bank account and the original registration receipt within 10 days to the respondent/DDA. DDA will refund the entire amount deposited by the petitioner along with interest in terms of their scheme and policy within 3 weeks from the date the original receipt and details of bank accounts are furnished.

Accordingly, the Writ Petition is disposed of.

SANJIV KHANNA, J.

FEBRUARY 13, 2008

vld/P