

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

+ W.P.(C) 10843/2005

RAJINDER NATH Petitioner
Through Mr. Sumit Bansal & Mr. Manish Paliwal,
Advocates.

versus

D.D.A. Respondent
Through Mr. Neeraj Atri & Ms. Vineeta Atri,
Advocates.

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA

% **ORDER**
04.04.2008

1. The petitioner was issued allotment letter with block dates 19th February, 1996 to 26nd February, 1996 asking him to make payment of the plot allotted to him in installments. As per the said letter, Rs.58,225.65 was to be paid within thirty days from the date of issue of demand-cum-allotment letter and Rs.83,179.50 was to be paid within ninety days from the date of issue of demand-cum-allotment letter. The balance amount of Rs.15,395.15 was to be paid within two months from the date of receipt of communication offering possession or before taking possession, whichever was earlier.
2. It appears that DDA was not able to fully develop the plots and the

cut off date for payment of installments was extended upto 31st March, 1997.

3. The petitioner had paid the first installment of Rs.58,226/- on 6th April, 1996 but the second installment of Rs.83,180/- was paid only on 6th April, 1998 i.e. almost one year even after the extended date i.e. 31st March, 1997. Third installment was also unilaterally paid on the same day. The respondent thereafter vide letter dated 23rd December, 1999 conveyed to the petitioner the approval of the competent authority cancelling allotment and registration of the petitioner. The plot in question was thereafter allotted to the next waiting registrant.

4. The petitioner filed the present writ petition on 5th July, 2005 impugning letter dated 23rd December, 1999 cancelling registration of the petitioner. The petition is highly belated and bad for laches. It is filed nearly six years after the cancellation of registration and allotment. Even if there was any discrimination and the petitioner was entitled to some consideration on equity, lapse and failure to approach Court within reasonable time, restraints me from granting any equitable relief to the petitioner. Stale claims should not be entertained in a writ petition. In these circumstances, I am not inclined to grant any relief to the petitioner and examine the allegation of discrimination, based on the averment that in

some other cases, extension of time was granted. Delay and laches is substantial.

5. The petitioner is, however, entitled to refund of the amount deposited by him with the DDA. The petitioner will appear before the Director (RL) on 29th April, 2008 for processing refund and produce necessary documents as are required. In case petitioner is entitled to interest as per the scheme or under any policy, DDA will pay interest also.

The writ petition is accordingly disposed of.

SANJIV KHANNA, J.

APRIL 04, 2008
VKR