

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

+ W.P.(C) 8367/2006

BIHARI LAL YADAV Petitioner
Through Ms. Suman Kapoor, Advocate.

versus

M.C.D. SLUM & JJ DEPARTMENT & Respondents
Through Mr. O.P. Saxena, Advocate.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

% **ORDER**
03.04.2008

1. Shed No. 11, Masoodpur Dairy Farm, New Delhi was allotted to Smt. Savitri Devi and Mr. Suraj Prakash. Subsequently, the said allotment was cancelled due to non-payment and non-occupation and the said shed was allotted to Mr. Balkishan vide order dated 9th August, 1982. Allotment made in favour of Mr. Balkishan is also stand cancelled and the said shed now stands allotted to Mr. Ram Bilas.
2. The petitioner herein was found to be in occupation of the said shed in 1997 and in these circumstances, MCD sealed the said shed. It is the case of the petitioner that he had entered into some agreement with Smt. Shavitri Devi.
3. The present writ petition has been filed with a prayer that the respondents should be directed to consider application of the petitioner for allotment of dairy farm/shed in his favour on priority basis.

4. As far as allotment of shed No. 11 is concerned, the said shed also stands allotted to a third party. No relief in respect of the said shed can be granted to the petitioner. Moreover, against the sealing order the petitioner had filed an appeal before the Appellate Tribunal, which was dismissed in the year, 1999 and further appeal before the Lieutenant Governor was dismissed in January, 2000. This writ petition has been filed in the year, 2006. The petition is highly belated and bad for laches.

5. The petitioner claims to have made an application for allotment of another shed. Allotment of shed can be only made in terms of the guidelines and policy framed by the respondent. I may note here that recently MCD had floated another scheme for relocation of unauthorized dairies at village Goraha. Learned counsel for the petitioner states that she is not aware whether the petitioner had made any application for allotment of a plot under the said scheme. The petitioner's application for allotment will be considered, if there is any scheme under which allotment can be made and if the petitioner is found eligible. Other than this, no direction can be issued in favour of the petitioner.

The writ petition is accordingly disposed of.

SANJIV KHANNA, J.

APRIL 03, 2008

VKR

