

\$~

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

W.P.(C) 75/2016 & CM APPL. 399/2016

SHRI MANOHAR SINGH PANNU Petitioner

Through Mr. R.P. Sharma, Advocate

versus

THE DEPUTY DIRECTOR (L&M),

DELHI DEVELOPMENT AUTHORITY & ORS Respondents

Through Mr. Arjun Pant, Standing Counsel for
DDA.**CORAM:****HON'BLE MR. JUSTICE MANMOHAN****ORDER**

%

07.01.2016

Present writ petition has been filed seeking either an alternative plot or monetary relief. It is the case of the petitioner that respondent-DDA has encroached upon his land bearing Khasra No. 535/1 measuring 1 bigha and 2 biswas (1100 sq. yrd.) situated in the area Village Kilokri, Delhi known as Ganga Vihar, New Delhi – 110 014.

A perusal of the paper book reveals that it is the petitioner's own case that he was dispossessed from his land in the year 2007 by DDA.

It is settled law that one of the several rules of self-imposed restraint evolved by the superior courts is that High Court will not entertain petitions filed after long lapse of time because that may adversely affect the settled rights of parties. It has also been held by the Apex Court that if the writ petition is filed beyond the period of limitation prescribed for filing a civil suit, the High Court will normally treat the delay as unreasonable and decline to entertain the grievance of the petitioner on merits.

At this stage, learned counsel for petitioner states that as the petitioner was acquitted in the criminal proceedings filed by DDA on 10th May, 2012, present writ petition is maintainable.

However, this Court is of the opinion that firstly the initiation of a criminal proceeding could not and did not constitute an embargo on the petitioner filing present writ petition at an earlier point of time. Secondly, even if the date of cause of action is taken as 10th May, 2012, the period of three years has already elapsed. Thirdly, the petitioner has also averred in the present writ petition that he intends to file a civil suit seeking similar reliefs. This shows that the petitioner has an alternate remedy.

Consequently, present writ petition and application are dismissed.

MANMOHAN, J

JANUARY 07, 2016

rn