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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 1921/2017 & CM APPL. 8504/2017

REKHA DEVI

..... Petitioner

Through: Mr. Manish Tanwar, Advocate.

versus

DDA

..... Respondent

Through: Mr. Dhanesh Relan, Advocate with
Ms. Akshita Manocha, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

03.03.2017

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Present writ petition has been filed with the following prayers:-

- “a) Issue a writ in the nature of mandamus or any other appropriate writ, order or direction thereby directing the respondent to produce the entire records since beginning, till date in respect of the allotments made to different persons and particularly in respect of the shop bearing no.58, Sector-6, Plot no.13 and 14 allotted to the petitioner under SC/ST category, to enable this Hon’ble court to reach to a just conclusion.*
- b) Issue a writ in the nature of mandamus or any other appropriate writ, order or direction thereby directing the respondent to re-allot the petitioner the shop bearing no.58, Sector-6, Plot no.13 and 14, if the 25% of the reserved price of the shop found to be Rs.4,72,445/-.*
- c) Issue a writ in the nature of mandamus or any other appropriate writ, order or direction thereby directing the*

respondent to allot any other alternative shop of lesser area with lesser price.”

It has been averred in the petition that petitioner had applied for allotment of a retail shop under the reserved category vide Form dated 18th October, 2010. A shop bearing No.58, Plots No.13 and 14, Sector-6, Dwarka, Phase-I, New Delhi, was allotted to the petitioner vide letter dated 31st May, 2011 subject to him depositing 25% of the premium fixed at Rs.2,39,85,000/- amounting to Rs.59,96,250/-.

It has been further averred in the petition that since the petitioner did not have the financial capacity to pay the demanded amount, she surrendered the aforesaid shop and requested the respondent to allot her a smaller shop vide letter dated 20th August, 2011.

However, vide letter dated 08th November, 2011, the allotment of the aforesaid shop in favour of the petitioner was cancelled by the respondent due to non-deposit of 25% cost of the shop which was surprisingly mentioned as Rs.4,72,445/-.

Learned counsel for petitioner states that there exists a disparity in the cost as mentioned in the demand letter and the cancellation letter and the respondent is deliberately concealing the actual cost of the shop allotted to the petitioner.

Issue notice.

Mr. Dhanesh Relan, learned counsel accepts notice on behalf of respondent. Mr. Relan states that the cost of the shop as mentioned in the cancellation letter was erroneous and the said mistake was accepted by the respondent vide letters dated 17th May, 2012 and 18th March, 2014.

Mr. Relan also states that the present writ petition is barred by delay and laches inasmuch as after 03rd January, 2012 no cause of action had arisen in favour of the petitioner and he was aware of the actual cost on 17th May, 2012.

Having heard the learned counsel for parties, this Court is of the view that the petitioner cannot derive any benefit from a mistake pertaining to the cost of the shop or 25% of the cost of shop as mentioned in the cancellation order dated 08th November, 2011. Not only the said mistake was duly acknowledged and explained by the respondent in its subsequent correspondence, but the said explanation was not challenged by the petitioner for a very long period of time.

Consequently, present writ petition and application are dismissed both on merits as well as on account of laches.

MANMOHAN, J

MARCH 03, 2017

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