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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 6852/2013 & CM APPLs. 3268/2015, 8959/2016

RAGHUNATH SINGH

..... Petitioner

Through

Mr. Pradeep Kumar Arya with
Ms. Sarika Soam, Advocates

versus

DELHI DEVELOPMENT AUTHORITY AND ANR..... Respondents

Through

Ms. Manika Tripathi Pandey with
Mr. Ashutosh Kaushik, Advocates for
R-1.Mr. Puneet Agrawal with Ms. Dalveer
Kaur and Mr. Ajay Sharma, Advocates
for R-2.**CORAM:****HON'BLE MR. JUSTICE MANMOHAN****ORDER****22.02.2017**

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Present writ petition has been filed challenging the decision of the Committee dated 22nd August, 2012 and the order dated 12th September, 2012 passed by respondent no. 2 whereby the petitioner's application for allotment of alternative land was rejected on the ground that it was barred by delay inasmuch as though the land had been acquired in 1962, yet the application for allotment of alternative land had been filed on 28th March, 1980.

A perusal of the paper book reveals that as initially respondents were not processing petitioner's application for allotment of residential flat/plot as per his entitlement according to the seniority number assigned to him in the year 1983, the petitioner had filed a writ petition being W.P.(C) 10119/2009. In the

said proceedings, the defence of delay/ laches was also advanced by the counsel for respondents.

However, the petitioner's initial writ petition being W.P.(C) 10119/2009 was allowed and the respondents were directed to process the petitioner's case. The relevant portion of the aforesaid order dated 7th February, 2012 is reproduced hereinbelow:-

“As aforesaid, cases from the year 1979 are still pending. In fact, the respondent has prepared a long seniority list of all pending cases on the basis of their dates of application. The petitioner has also been assigned a seniority number in the year 1983. Therefore, there is no reason for the petitioner's case not being considered on its own merits by the respondents and recommended for allotment, in case he is otherwise found eligible. No prejudice has been suffered by the respondents or any one else on account of the so called delay on the part of the petitioner which, in any event, is not existent.”

In view of the aforesaid finding, this Court is of the view that the petitioner's application could not have been rejected on the ground of delay/limitation. In fact, the finding of the Coordinate Bench in the order dated 7th February, 2012 operates as *constructive res judicata*.

Consequently, present writ petition is allowed and the impugned Minutes of Meeting dated 23rd August, 2012 as well as the order dated 12th September, 2012 are set aside. Respondents are directed to reconsider the petitioner's case on merits and decide the same within twelve weeks.

With the aforesaid directions, present writ petition and applications stand disposed of.

MANMOHAN, J

FEBRUARY 22, 2017

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