

\$~33

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

+ **W.P.(C) 10475/2017 and CM APPL. 42881/2017**

NEELAM SAGAR @ NEELAM MEHTON Petitioner
Through **Mr. Anil Kumar Gupta, Adv.**

versus

DELHI DEVELOPMENT AUTHORITY & ANR Respondents
Through **Mr. Arjun Pant, Adv. for DDA.**

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

% **27.11.2017**

Instant petition has come to be filed seeking issuance of a Writ of Mandamus to the respondent-DDA to allot an MIG flat to the petitioner against the application made bearing no. 8492 under Ambedkar Awas Yojna launched by the respondent-DDA in the year 1989.

It is the case of the petitioner that the petitioner being a Scheduled Caste and working with Indian Oil Corporation was entitled to allotment of a flat under the subject scheme launched by DDA in the year 1989, and, the priority number allotted to the petitioner was 6100. As per the averments made in the petition, the petitioner was allotted flat no. 280, 3rd floor, Sector 17, pocket E, Dwarka vide allotment letter dated 7.5.2003. Averments made in the petition by itself show that the petitioner was aware of the allotment

and its cancellation, at least, when communication dated 26.12.2008 was sent, copy whereof, is annexed to the petition as Annexure P-7 at running page 77 of the petition. Admittedly, this communication addressed to the petitioner is at her correct address, which is the present address as well. Assuming, the petitioner was not aware and conscious of the allotment in the year 2003 and the cancellation thereof in the year 2004, at least, vide communication dated 26.12.2008, she was well informed. Petitioner may have a good case to say that the allotment letter was not received by her and was not sent at the address given in the application, the delays and latches in filing the instant petition are extreme and cannot be ignored lightly. It is now almost eight years of admitted knowledge of cancellation, and, thereby, a cause of action to file the petition. Purported communications attached with the petition, one can see are without even any proof of delivery thereof, in the office of the respondent-DDA. In that direction, Id. Counsel for the petitioner only draws advertence to some communication of the year 2012, which shows the sending of such communication through speed post. In that regard, it is strange that a needy person chooses to rest, only having sent a communication through speed post, awaiting a positive response for another 5/6 years. It is not natural. It also draws an adverse inference for the petition being bona fide. If, a scheme has come to be floated for a particular class for allotment on priority basis, it is difficult to believe that a member of such class, who is to get an allotment on priority, would not try to pursue her such cause, with due diligence.

Keeping in view the totality of the facts and circumstances, the

petition is dismissed being barred by delays and latches. Pending application also stands disposed off accordingly.

A. K. CHAWLA, J

NOVEMBER 27, 2017

rc