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

% Judgment delivered on: 07.12.2021

+ W.P.(C) 13910/2021 & CM APPL. 43909-11/2021

MOHD.SULEMAN Petitioner

versus

NORTH DELHI MUNICIPAL CORPORATION
(NDMC) AND ORS Respondents
Through

Advocates who appeared in this case:

For the Petitioner: Mr. Prashant Kumar, Advocate

For the Respondent: Mr. Anuj Chaturvedi, Standing Counsel for Respondent
No.1/North DMC
Mr. Ashim Vachher, Standing Counsel for DDA with Mr.
Kunal Lakra for R-2 DDA
Mr. Nitin Jain, Advocate and Mr. Parvinder Chauhan,
Advocate for R- 3/ DUSIB

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks a direction to respondent no. 1 to decide the representation of the petitioner dated 11.10.2019, by which petitioner is seeking a direction to respondent to allot an alternative shop in lieu of the shop that was occupied by the petitioner on public land which

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was demolished in the year 1975.

2. The case of the petitioner is that petitioner constructed a shop in Meena Bazar, Opposite Jama Masjid, Delhi in the year 1971. He paid damages to DDA upto year 1975.

3. In 1975-76 during a demolition drive conducted during emergency, the shop of the petitioner was demolished and he was not allotted any alternative shop.

4. It is contended that on 11.10.1977 a policy was framed by DDA for allotment of alternative place/shops to Motia Khan Steel Merchants, who were evicted from Motia Khan area and whose shops were demolished during the same demolition drive.

5. It is contended that repeatedly, petitioner has been writing representations over the years but has not received any response from the respondent.

6. Perusal of the paper book shows that as far back as on 02.06.2010, petitioner was responded by the respondent no. 1 informing him that his representation has been considered by the competent authority and it was decided that there was no scope for any new entrance in the existing plan and as such his request could not be acceded to.

7. Petitioner thereafter has again been representing to the respondents.

8. It is an admitted position that after the shop was demolished in 1975 and the formulation of policy in 1977 and even after petitioner was communicated by letter dated 02.06.2010 that his representation has been considered by the competent authority and his request could not be acceded to, petitioner has not approached any Court of law seeking to enforce rights, if any.

9. This is a case where the petition is liable to be dismissed on the ground of gross delay and laches in approaching the court of law. Shop of the petitioner was demolished as far back as 1975 and petitioner has waited for over 46 years in approaching this court.

10. The seemingly innocuous prayer of the petitioner, of seeking a direction to respondents to dispose of his representation, appears to be an attempt, on part of the petitioner, to seek to create a fresh a cause of action so that he can overcome delay and laches.

11. In view of the above, there is no ground to direct respondents to even decide his representation. I find no merit in the petition. The petition is, accordingly, dismissed.

SANJEEV SACHDEVA, J

DECEMBER 7, 2021/‘rs’

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